

The CHIEF CLERK. The next amendment passed over is on page 81, line 14, where the committee proposes to strike out "\$1,000,000" and insert "\$400,000," so as to read:

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as modified by the flood control act approved May 15, 1928 (45 Stat. 534), \$400,000.

Mr. REED of Pennsylvania. Mr. President, I think this amendment will require a considerable amount of debate—the reduction of the next year's appropriation.

Mr. JOHNSON. They are both in the same category. Why not take it up and dispose of it now?

Mr. REED of Pennsylvania. I am perfectly willing to dispose of it by a viva voce vote.

Mr. CARAWAY. Mr. President, was it the ruling of the Chair that the unfinished business of the Senate has been displaced?

The VICE PRESIDENT. It was displaced by taking up the resolution of the Senator from Tennessee; but, by unanimous consent, it has been restored to its place.

The question now is on the amendment of the committee on page 81, line 14.

Mr. HARRISON. Mr. President, there are several of these amendments that have been adopted. We got into the consideration of this matter so hastily that to-morrow, when the bill is proceeded with, I desire to ask unanimous consent that I may take up some of those that were adopted to-day and ask some questions about them.

Mr. REED of Pennsylvania. When the bill was taken up last Saturday I stated that I should agree to go back and join in the request that we go back to any amendment that any Senator wanted to reopen.

Mr. JOHNSON. Mr. President, inasmuch as we have disposed of the principal amendment, and the one immediately preceding it as to the amount to be expended being fixed by the Budget and being fixed by the report of the engineers, may I suggest that we take a viva voce vote upon the committee amendment, and dispose of it to-night?

Mr. REED of Pennsylvania. I am satisfied with that; and after that I shall expect to move a recess, because it will take at least an hour to dispose of the Scott Field amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED of Missouri. Mr. President, what is the amendment that we are asked to agree to?

The VICE PRESIDENT. The committee amendment.

Mr. McKELLAR. It is similar to the one that has just been voted on.

Mr. JOHNSON. It is in the same category as the other; and a vote against the committee amendment is, like the other one, a vote "no."

Mr. BLAINE. Mr. President, may we have a statement from the Senator from Pennsylvania with regard to this amendment?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 81, line 14, the committee proposes to strike out "\$1,000,000" and insert "\$400,000."

Mr. REED of Pennsylvania. Mr. President, this amendment deals with the prospective work to be done on the Sacramento River. The Senate has just decided to make the retrospective refund to the State of California. The arguments against that question which was decided seem to me to be stronger than the arguments against the prospective appropriation of \$1,000,000. It was cut down in the committee from \$1,000,000, recommended by the Budget, to the amount which was given last year, \$400,000; but I am frank to say that the appropriation of \$1,000,000 as it comes from the House had the approval of the Budget, and of the House committee, and of the House in the passage of the bill.

Mr. JOHNSON. And the State has made the like appropriation.

Mr. OVERMAN. The same question is involved.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

E. GELLERMAN

Mr. PHIPPS. From the Committee on Post Offices and Post Roads, I report back favorably, without amendment, Senate bill 5514, for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.; and I submit a report (No. 1656) thereon.

This is a small claim bill, involving less than \$100; and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to recognize as valid and binding the assignment by Walter G. Kuhn, formerly of Denver, Colo., and whose present whereabouts is unknown, to E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo., of the former's claim against the United States, amounting to \$94.65, arising out of an accident involving a United States mail truck, which occurred on November 29, 1927; the provisions of title 31, section 203, United States Code (sec. 3477 of the Revised Statutes of the United States), being expressly waived.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT

Mr. WALSH of Montana. Mr. President, the Senator from Pennsylvania has indicated his purpose to move a recess.

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. WALSH of Montana. At the close of the session yesterday there was a desire expressed by some to the leader upon the other side for an adjournment, in order that morning business might be attended to to-day. He said that for certain reasons, particularly with respect to the bill now under consideration, it was desirable that a recess be taken, but that an adjournment would be taken this evening. So the insistence upon the adjournment last night was not adhered to. Under those circumstances I inquire of the Senator from Pennsylvania whether it would not be good faith to move an adjournment this evening.

Mr. REED of Pennsylvania. I do not want to make any motion that would violate the agreement entered into by the Senator from Kansas.

Mr. COUZENS. That was the agreement.

Mr. REED of Pennsylvania. Then may I say to the Senate that I shall ask the Senate to continue on to-morrow evening, if this bill shall not be passed by this hour to-morrow. I think it is highly important that the bill be disposed of and gotten out of the way of the other bills that are crowding us.

Mr. HEFLIN. Mr. President, has the Senator agreed that we might have a morning hour to-morrow?

Mr. REED of Pennsylvania. In view of the agreement entered into with the Senator from Kansas I shall not make my motion for a recess, but will move that the Senate adjourn. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Thursday, February 7, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 6, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed, blessed be the name which is above every other name in heaven and in earth. In Him are united the ideals of sacrifice and service. He gives us the vision of mingled sorrow and love, of the human God and the divine man. Let it touch the finer senses of our beings, which are far above the sense of pleasure and more glorious than any gain. Save us, preserve us from the soil of sin, the clutch of selfishness, and the heat of passion. May these never be permitted to rob us of the fine graces and the noble virtues of Christian manhood. Bless us with the morning light. Send a ray from the eternal sunshine just for to-day. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or reservation;

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a

bridge across the Southeast Arm of Sandusky Bay at or near Sandusky, Ohio.

The message also announced that the Senate had agreed to amendments of the House to bills of the following titles:

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15386) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. JONES, Mr. KEYES, Mr. OVERMAN, Mr. HARRIS, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3848) entitled "An act creating the Mount Rushmore national memorial commission and defining its purposes and powers," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. GILLET, and Mr. McKELLAR to be the conferees on the part of the Senate.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The SPEAKER. The Chair lays before the House the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, D. C.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith in pursuance of the provision of the act of Congress approved May 29, 1928, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the several States, excepting Mississippi and New Mexico, at the election held therein on the 6th day of November, 1928.

I have the honor to be, sir, your obedient servant,
For the Secretary of State:

TYLER DENNETT,
Chief Division of Publications.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. GARRETT of Tennessee. Will the gentleman from New York yield to me a moment?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. Is any reference of the communication of the Secretary of State necessary?

The SPEAKER. The certificates must be laid before the House and placed in the archives of the House a week before the vote is counted.

Mr. GARRETT of Tennessee. It is not necessary to refer them to any committee.

The SPEAKER. No; they are simply placed in the archives of the House.

Mr. TILSON. And only the letter of the Secretary is read?

The SPEAKER. Yes.

Mr. TILSON. It is not necessary to read the entire matter.

The SPEAKER. It appears in the Journal that these certificates have been transmitted by the Secretary of State and then they go in the archives of the House and that complies with the law.

The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

PRINTING OF AMENDMENTS TO LAWS IN HOUSE REPORTS

Mr. SNELL. Mr. Speaker, I have received a letter from Mr. George H. Carter, the Public Printer, that explains the practical workings of House Resolution 278, the resolution that was passed by the House a few days ago, making some changes in the printing in bills of amendments to various laws.

It seems to me that Mr. Carter has worked out a practical proposition, as he usually does, and I am going to ask the Clerk to read the letter from Mr. Carter in my time.

The Clerk read as follows:

UNITED STATES GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 5, 1929.

Hon. BERTRAND H. SNELL,
Chairman Committee on Rules,
House of Representatives, United States,
Washington, D. C.

MY DEAR MR. SNELL: In regard to House Resolution 278, adopted on January 28, 1929, amending House Rule XIII with a new provision for the printing of House reports in which the repeal or amendment of existing law is proposed, I desire to submit the following suggestion for the uniform application of the new rule in the printing of House reports:

"Whenever a committee of the House reports a bill or joint resolution repealing or amending any statute or part thereof, the part to be amended or repealed shall be printed in the accompanying report in roman type within proper brackets and the proposed amendment shall be printed in italic type; except in cases where this procedure may not clearly indicate the proposed changes, in which event the printing of the statute and the changes proposed therein shall be in parallel columns."

The style above recommended has been used for years in the printing of Budget bills as considered by the House Committee on Appropriations and of amendments in all engrossed bills. In my opinion, line type (stricken-through letters) smaller than 14-point, the regular bill type, would be difficult to read. Furthermore, this office has not sufficient equipment at present to print House reports in line type (stricken-through letters) of the 8-point size now used in the printing of committee reports. It is not practical, either, to print always in parallel columns, except when unavoidable, as this form of composition materially slows up the work and would seriously delay the printing and delivery of the reports.

The inclosed slips indicate the method which this office proposes to adopt in complying with House Resolution 278, which I hope will meet with your approval. In the accompanying samples the words inclosed in brackets are to be omitted from the statute and those printed in italics are proposed for insertion in the statute.

It is important, of course, that the method adopted shall be uniform for all House committees, as a variation would not only be confusing to this office but would also greatly confuse Members in the consideration of committee reports printed in a variety of styles.

Respectfully yours,

GEORGE H. CARTER,
Public Printer.

Mr. SNELL. Mr. Speaker, I have just presented this letter for the information of the House. It seems to me this will work out satisfactorily; at least, we will try it for the present.

EXTENSION OF REMARKS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very short petition representing the views of 4,400,000 farmers on the question of a farm tariff. It is only four pages and I think it would be of interest to everyone.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, these petitions, as a rule, are placed in the basket and are noted in the RECORD. I think as far as any interest of any Member is concerned he could dig them out if he desired. They are of the type to which objection has been previously made, and I think in order to be consistent I shall have to object.

Mr. VESTAL. I think this is the first time in 12 years I have asked to have anything of this kind inserted in the RECORD.

The SPEAKER. Objection is heard.

REREFERENCE OF A BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes.

This was referred to the Committee on Appropriations, probably due to the fact that it does make an appropriation. That committee would not have jurisdiction because it carries legislation supporting the use of the money. I have consulted the gentleman from Indiana, Mr. Wood, the acting chairman of the Committee on Appropriations; the gentleman from Tennessee, Mr. BYRNS, the ranking minority member; the gentleman from Montana, Mr. LEAVITT, chairman of the Committee on Indian Affairs; and I ask unanimous consent for a rereference of this bill to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill (S. 4517) be rereferred from the Committee on Appropriations to the Committee on Indian Affairs. Is there objection?

Mr. SNELL. Reserving the right to object, do I understand the gentleman from Michigan that this was not properly referred to the Appropriations Committee and is a matter over which that committee has no jurisdiction?

Mr. CRAMTON. As the bill is drawn, no committee has jurisdiction of it. It carries a legislative matter that the Appropriations Committee could not report. The Indian Affairs Committee can make a bill out of it that is parliamentary, all right, if they will strike out the appropriation and put in an authorization. The Appropriations Committee could not make a bill out of it that would not be subject to a point of order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. On last Wednesday the bill H. R. 15092 had arrived at the stage where it was ordered to be engrossed and read the third time. The gentleman from Michigan demanded the reading of the engrossed copy. The Chair now lays before the House the engrossed copy.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near Soboba Indian Reservation, Calif.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

Mr. CRAMTON. Mr. Speaker, the title should be amended. The committee recommended an amendment to the title.

The title was amended.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Indian Affairs.

THE OSAGE TRIBE OF INDIANS

The SPEAKER. On last Wednesday the House had started to consider S. 2360, and the time was in the control of the gentleman from Michigan.

The Clerk read the title of the bill, as follows:

A bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The SPEAKER. The Clerk will report the committee amendments.

Mr. CRAMTON. Mr. Speaker, I think we have not arrived at that point. I think the debate is not finished. I had the floor.

The SPEAKER. The Chair thinks the committee amendments should be reported. The bill had been read the second time.

Mr. CRAMTON. I secured recognition last Wednesday and used a part of my time. It was understood at that time that I was to have an hour. I was about to yield to the gentleman from Oklahoma, and I would be glad to claim the balance of my time and yield to the gentleman from Oklahoma.

Mr. TILSON. Mr. Speaker, we are now in the House considering this bill. On last Calendar Wednesday the gentleman from Montana had used an hour and yielded the floor. The gentleman from Michigan claimed recognition, and, of course, will have an hour under which he can offer amendments if he chooses so to do.

The SPEAKER. The gentleman from Michigan is entitled to the floor.

Mr. CRAMTON. Mr. Speaker, I will yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS]. Before the gentleman from Oklahoma begins his remarks I want to say that this is an important bill, and the gentleman from Oklahoma is very well versed in reference to it, and I make the point of order that no quorum is present.

The SPEAKER. Obviously, no quorum is present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Anthony	Bushong	Curry	Fulbright
Auf der Heide	Carew	Davey	Furlow
Bacon	Carley	Dempsey	Gilbert
Beck, Pa.	Casey	Dickstein	Goldsbrough
Boies	Celler	Doutrich	Griest
Boylan	Chindblom	Dyer	Hall, N. Dak.
Buchanan	Clague	Estep	Hammer
Buckbee	Connolly, Pa.	Evans, Calif.	Hardy
Burdick	Crowther	Evans, Mont.	Harrison
Busby	Cullen	Fenn	Hogg

Houston	Kurtz	O'Connor, N. Y.	Stedman
Hull, Morton D.	Lindsay	Palmer	Strother
Hull, William E.	McClintic	Palmisano	Sullivan
Hull, Tenn.	McDuffie	Parker	Tatgenhorst
Igoe	McSwain	Peery	Tillman
James	Maas	Pou	Underwood
Kearns	Michaelson	Quayle, N. Y.	Updike
Kent	Mooney	Ramseyer	Vincent, Iowa
Kindred	Moore, N. J.	Ransley	White, Kans.
King	Murphy	Reed, Ark.	Woodruff, Mich.
Kunz	Nelson, Wis.	Sirovich	Wyant

The SPEAKER. Three hundred and forty Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

IMMIGRATION LEGISLATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file from the Committee on Immigration reports on the bill S. 5094, and two or three other bills, which have been ordered reported by the House committee, and that the minority may have until midnight to-morrow night to file minority views, if any.

The SPEAKER. The gentleman from Washington asks unanimous consent that he may have until midnight to file reports on certain immigration bills, ordered reported by that committee, and that the minority may have until to-morrow night at 12 o'clock to file minority views, if any. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, what are the bills?

Mr. JOHNSON of Washington. One might have been the bill of the distinguished gentleman from Illinois, but that was passed unanimously by the committee. The other is a short deportation bill, the Box bill, regulating the coming in of aliens across the border, and the other is contract-labor provisions within the quota.

Mr. SABATH. And the Schneider bill?

Mr. JOHNSON of Washington. And the Schneider bill.

Mr. SABATH. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ALBERT C. READ AND OTHERS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 33, and agree to the same.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate Concurrent Resolution 33, and consider the same. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 33

IN THE SENATE OF THE UNITED STATES

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 4338) entitled "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes," the Secretary of the Senate is hereby authorized to amend the title thereof so as to read: "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BRITTEN. Mr. Speaker, this resolution merely corrects the title of the bill that was passed by the House. We added one name to the text of the bill and forgot to change the title of the bill, and this corrects that omission.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is that all it does?

Mr. BRITTEN. Yes.

Mr. SCHAFER. It does not place any additional names on?

Mr. BRITTEN. No; it merely corrects the title.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. McSWAIN, at the request of Mr. DOMINICK, on account of illness in family.

Mr. CHINDBLOM, until Monday, February 11, to attend the funeral of his father.

OSAGE TRIBE OF INDIANS

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] is recognized for 10 minutes.

Mr. HASTINGS. Mr. Speaker, in the consideration of this legislation I think it would be helpful to make a brief statement with reference to the Osage Tribe of Indians.

This tribe in about 1870 purchased approximately 1,500,000 acres of land of the Cherokee Tribe of Indians and all this land is embraced in what is now Osage County, Okla. The tribe was induced to enter into an agreement on June 28, 1906, to have a roll made, as of date of July 1, 1907, and to allot the surface of their lands in severalty, reserving to the tribe the oil and gas and other minerals. The roll was made, which consisted of 2,229 members. All are now of age. Many of them are now dead, and my information is that there are about 1,540 of the originally enrolled allotted members still living.

The laws with reference to the Osages have been amended from time to time. The most notable amendatory act was approved on March 3, 1921, when the trust period was extended to April 7, 1946. As to most of the Indians, where they are under the supervision of the Government, we use the term "restricted." In the case of the Osage Tribe the Secretary of the Interior, when he finds that any member of this tribe may with safety be permitted to do business in his own behalf, issue to him a "certificate of competency," and therefore instead of using the term "restricted Indian," as applied to this tribe, the term "not having a certificate of competency" is used.

Nine hundred and thirty-eight of the 1,540 living members of the Osage Tribe have certificates of competency issued to them, leaving 602 originally enrolled members of different degrees of blood of this tribe restricted.

In addition, of course, there are a number of heirs or devisees to whom certificates of competency have not been issued and who are restricted and are therefore under the jurisdiction and supervision of the Secretary of the Interior.

The proposed amendment to the bill attempts, in section 1, to extend the trust period until April 8, 1958, and it continues the supervision of the Secretary of the Interior until January 1, 1959. I think the language is ambiguous and it should be clarified. In fact, section 1, as it is proposed to amend it, provides that the minerals shall be reserved to the members of the Osage Tribe until April 8, 1958, or until otherwise provided by act of Congress and as long thereafter as oil and gas or other minerals are found in paying quantities.

Of course, this continues the trust period indefinitely and without limitation as to date. In my judgment the date to which the trust period is extended and the date of the termination of the supervision of the Secretary of the Interior should be one and the same. I hope the committee will adopt an amendment to that effect.

Each of the 2,229 originally enrolled Osages had four allotment selections, the first of 160 acres, designated as his homestead. The other selections were 160 acres each, except the fourth, making an aggregate total of approximately 659 acres allotted to each member of the Osage Tribe. The last three selections, in so far as the surface of the land is concerned, are taxable, and the act of March 3, 1921, made the oil and gas subject to the gross production tax of the State of Oklahoma. Much of the surface has been sold and passed into white ownership.

This bill also has a provision making the laws apply equally to the enrolled and unenrolled members of the tribe, so that the Secretary of the Interior may issue certificates of competency to unenrolled members the same as to enrolled members of the tribe, and he has the same supervision over unenrolled members as over enrolled members.

Section 2 of the bill relates to a method of settling disputes for damages between the owners of land or lessees of the surface and those going on the land under oil and gas leases and drilling for oil and gas, and permits both parties to appeal from the decision of the Secretary of the Interior to the courts.

Section 3 authorizes the Secretary of the Interior to pay any part or all of the funds held in trust for any Osage Indian not having a certificate of competency, in his discretion, and under such rules and regulations as he may prescribe, to the members of the Osage Tribe upon their application.

The bill also permits the Secretary of the Interior and the Osage tribal council to continue to make leases upon the land of the tribe, and reduces the acreage that may be leased in any one year to not less than 25,000 acres. The bill makes it clear that this does not affect valid existing leases for oil and gas or other minerals, but such leases are recognized and continued for

as long as oil and gas are found in paying quantities. The bill provides for exempting homestead allotments from taxation.

I trust that the committee will accept an amendment confining this to restricted members of the tribe not having certificates of competency. This was the policy of Congress last year when the Five Civilized Tribes act was passed, and I see no reason why it should not be applied to the Osage Tribe.

It is urged that the Osages pay 1 per cent more as gross production tax on oil than the prescribed rate. This is true, but that provision was inserted in the act of March 3, 1921, in compensation for the extension of the trust period until April 7, 1946, and it will be noted that this additional 1 per cent gross production tax does not go to the State or the county but is to be used solely for building roads and bridges in Osage County, and the argument then urged was that it would enhance the value of the lands held by the Osages and also add to the value of the leases sold by the tribe.

Under the act of March 3, 1921, the adult enrolled members of the tribe were given \$1,000 each per quarter out of his own funds and \$500 per quarter for each minor child. As section 3 is written in the bill I think it ambiguous. In three places it refers to payments to be made to enrolled Indians of less than one-half blood. In lines 9 to 12, page 6, it requires the Secretary of the Interior within one year to—

pay to each enrolled Indian of less than half Osage blood one-fifth of his or her proportionate share of accumulated funds:

After a period the language continues:

And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act advance and pay over to such Osage Indian of less than one-half Osage Indian blood all of the balance appearing to his credit. * * *

In lines 15 to 19, page 7, it is provided—

that the Secretary of the Interior shall on or before the end of five years from the date of the approval of this act pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma. * * *

I am not in sympathy with the efforts of this bill to make a debt-collecting agency of the Government of the United States. I believe in every Indian paying his debts, and believe that of every other citizen, regardless of his nationality.

Now, in this case the superintendent of the Osage Agency, acting for the Secretary of the Interior, is compelled to examine the accounts made by unrestricted Indians, free from governmental supervision, who are living in 23 States of the Union. One hundred and thirty-six of these Indians are of less than one-half Indian blood, and do not have certificates of competency. They have on deposit \$5,600,000 to their combined credit, or an average of about \$40,000 each. This money is placed to their individual credit. The lowest amount runs about \$4,100 and the highest amount to the credit of any individual is \$123,000. Many of these Indians live without the State of Oklahoma, and, as above stated, of the 938 to whom certificates of competency have been issued they are living in 23 States, as follows: 10 in Arkansas, 17 in Arizona, 85 in California, 24 in Colorado, 4 in Connecticut, 3 in Illinois, 120 in Kansas, 30 in Missouri, 596 in Oklahoma, 5 in Oregon, 27 in Texas, 2 each in Florida, Nebraska, New Mexico, and Utah, and 1 each in Iowa, Indiana, Massachusetts, Minnesota, Pennsylvania, Wisconsin, Washington, and Wyoming.

In order to make a fair ascertainment of these debts a representative of the Osage Agency would have to go to each locality where these Indians live and go over all their books and make a personal investigation. These Indians are free of any governmental supervision. The Government never has, so far as I know, made a debt-collecting agency of itself. If we hold up the money due these unrestricted Indians, free of governmental supervision, and pay their debts voluntarily contracted, then in principle we should do this with every employee of the Government throughout the Nation. I believe every Government employee should pay his honest obligations, and it is the same principle. I believe every postmaster and rural mail carrier and other employee of the Government throughout the country should pay his honest obligations, but I do not believe that the Government should make a debt-collecting agency of itself and withhold money from those free of any governmental supervision.

I think there is a difference in principle between supervising the debts of restricted and unrestricted Indians. The one we are guardian for. We have supervision of his funds. The other has been and is free from all governmental supervision. I think this is a bad example to set, and I have taken this occasion to express my views upon it; and I trust that before the consideration of this bill is concluded that these objectionable features will be eliminated.

Mr. GARBER. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. GARBER. Your expiration of restriction, of course, is conditional always upon the issuance of certificates of competency by the Secretary of the Interior?

Mr. HASTINGS. That is true; and I have called attention to some amendments I think ought to be offered to this bill in order to clarify it. In section 1, page 2, this trust period is extended, according to the proposed amendments by the committee, until April 8, 1958, or until otherwise provided by Congress, which makes it indefinite; and then this other provision is continued:

And as long thereafter as oil, or gas, or other minerals are found in paying quantities.

I am opposed to both provisions.

Mr. GARBER. May I inquire as to the necessity for such a long extension of the period?

Mr. HASTINGS. I am not finding fault so much with the time limit, but I am insisting that some definite time be carried in the bill. On page 3 there is a provision to exempt homestead allotments from taxation until the end of the trust period. We did not do that with other Indians—

Mr. GARBER. To the end of the proposed extension of the trust period?

Mr. HASTINGS. That is true.

Mr. GARBER. That would be unconscionable to the taxpayers of Oklahoma, would it not?

Mr. HASTINGS. I am protesting against the proposed exemption and asking that that provision be amended so as to make it only apply to restricted Indians, those to whom no competency certificate has been issued.

Mr. GARBER. As long as the restriction remains.

Mr. HASTINGS. Yes; but I think it ought to be amended, as I have indicated. I would not have inserted it at all. Let us examine section 3 and to be absolutely brutally frank about it—section 3 is a debt-collection section and I am against the principle.

Mr. EDWARDS. Is the gentleman against the Indian paying his debts?

Mr. HASTINGS. No, sir; and I am not against the white man paying his debts or the gentleman from Georgia. I am not against any employee of the Government of the United States paying his debts. I am not against any postal employee paying his debts, I am not against any pensioner paying his debts. I try to pay my own debts, and I think everybody else should be encouraged to pay their debts. I am in favor of honesty in public life and private life, but I am opposed to the Government of the United States as to unrestricted Indians, as to those Indians over whom the Government has no supervision, being made a debt-collecting agency through a provision in this bill requiring that a certain amount of money shall be withheld from the funds of the unrestricted Osage Indians.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. HOWARD of Oklahoma. What is the gentleman's position on the section to provide for paying the debts of the unrestricted?

Mr. HASTINGS. Well, I am discussing now the unrestricted Indians. I say it is wrong in principle to put that sort of a provision in the bill, and I hope such an amendment will be adopted.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. I ask that the gentleman be given five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. HASTINGS. I do not want anyone to get the impression that I am not in favor of everyone, Indians and whites, paying their debts; but the people who sell to the Indians on a credit know the risk they run of losing those accounts. The people of whom I am speaking are residing in 23 States of the Union. This will necessitate the superintendent of the Osage Agency sending representatives to those various States, and it will involve an examination of books, and really make a debt-collecting agency out of the superintendent of the Osage Indians, and I am opposed to that provision. I am opposed to it on principle. [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. CRAMTON. As to an Indian to whom a certificate of competency has been issued, there does not seem to be any reason for the Government acting as a collecting agency against

them. As to those to whom a certificate of competency has not been issued, the gentleman will permit me to read a section of the law, will he?

Mr. HASTINGS. I have no objection.

Mr. CRAMTON. Section 6 of the law of 1925 provides that—

No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency shall have any validity unless approved by the Secretary of the Interior. In addition to the payment of funds heretofore authorized, the Secretary of the Interior is hereby authorized in his discretion to pay, out of the funds of a member of the Osage Tribe not having a certificate of competency, any indebtedness heretofore or hereafter incurred by such member by reason of his unlawful acts of carelessness or negligence.

At the present time a contract can not be made without approval. As I understand, they are paying the debts of those with whom a contract has been made with approval.

Mr. HASTINGS. I want to say, for the information of the gentleman from Michigan and my colleague from Oklahoma [Mr. HOWARD] that I am not so much concerned about the restricted Indian. A totally different principle is involved, in my opinion, between those over whom the Government retains supervision and guardianship and those who are turned loose. I think that most of the accounts that are examined and found meritorious are against Indians who are not free from governmental supervision. I have no objection to the Government paying those claims. But I do insist that it is a dangerous precedent to put into a bill a provision requiring the Government to withhold money and collect accounts from unrestricted Indians, who are just as free as any governmental employee throughout the country.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WILLIAMSON. I do not care to argue this matter with the gentleman, but this section relates only to existing debts of Indians and does not apply to future obligations that may be incurred.

Mr. HASTINGS. The bill says "existing debts." But it applies to the unrestricted Indian the same as to the restricted, scattered over 23 States of the Union. It makes a debt-collecting agency of the Government of the United States as to the unrestricted Indian. It is wrong in principle, and so far as I am concerned I am opposed to it.

Mr. SPROUL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SPROUL of Kansas. This provision to which the gentleman refers applies to those who have more white blood in their veins than Indian blood. It does not apply to those of one-half Osage blood.

Mr. HASTINGS. It makes no difference. It applies to all.

Mr. CRAMTON. Mr. Speaker, I believe I have 15 minutes. I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

The SPEAKER. The gentleman from Montana is recognized for 10 minutes.

Mr. LEAVITT. Mr. Speaker and Members of the House, I think I am safe, in beginning the discussion of this bill, in saying that the gentleman from Oklahoma [Mr. HASTINGS] is not opposed to this bill so far as it has to do with the sections written into it at the express desire of the Osage Indians. Is that true?

Mr. HASTINGS. I would want to have some amendments added to the bill. I did not have full opportunity when I was on the floor to discuss each and every one of the amendments. I tried to point out the more important amendments that I desired to offer to the bill. There are others that I want to point out.

Mr. LEAVITT. I thank the gentleman. The point I make is that the gentleman from Oklahoma is interested in the welfare of the Indians of Oklahoma. He himself is of Indian blood to a very considerable extent. He is not opposing this bill as a whole. He is asking that there be included in it, as it goes to final passage, certain amendments that he has in mind. Those amendments, of course, will be considered by the House and free opportunity for discussion will be given.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Certainly.

Mr. HUDSON. Could you strike out section 3 and still keep the larger integrity of the bill?

Mr. LEAVITT. I will make this statement: That the Osage Indians, through their council, are directly interested in two sections of this bill—section 1 and section 7. The other sections have been placed in the bill not at their request but in order to meet certain conditions that have arisen in regard to

the handling of the Osage Indian property, in regard to lands that are under lease in the Osage country, and matters of that kind.

Section 6, which is written in the bill, is now there with the full intention of the committee itself to have that section stricken out, because its purpose would be to increase the quarterly payments required to these Indians. That was put in at the request of the Indians when their income was considerably greater than it is now. They prefer now to have the law remain as it is in that regard, so that section 6 can be considered, so far as the committee is concerned, as out of the bill.

Mr. HUDSON. Then the gentleman, if I understand him correctly, is saying that if section 3 and section 6 are stricken out the original integrity of the bill will be retained?

Mr. LEAVITT. The original intention, so far as the Osage Indian Council itself is concerned, will be taken care of under those provisions. This bill, as the gentleman from Michigan will recall, when he was a member of the Committee on Indian Affairs, was brought before the committee and referred to a subcommittee on such matters, of which the gentleman from Kansas [Mr. SPROUL] was chairman. When considering the bill as it was brought to the committee by the Osage Council, certain other matters were written into it which, in the judgment of the subcommittee, should also be included in this kind of an Osage bill, and the bill is before the House in that form.

The purpose of this bill, so far as the Osage Indians are concerned, is to prevent what they believe and what I am sure the House believes would be a disaster to them should the law as it now exists go into effect and all restrictions on their lands expire on the 28th day of June, 1931.

If the law as it now exists remains unchanged, when the 28th day of June, 1931, comes, all restrictions on Osage Indian lands will be removed, because back in 1906 this Congress provided that the restrictions on their lands should expire on that date. In that event their property would be left entirely at their own disposal and subject to what has happened in the case of almost every Indian in this country from whom restrictions have been too soon removed. There would be a dissipation of his property and there would ultimately be left in certain communities large groups of Indians not able to handle their own affairs and subject, to a great extent, to the charity of those communities. So in order to avoid that these Indians themselves, through the representatives of their council, have come before the Committee on Indian Affairs and asked that those restrictions, so far as their homesteads are concerned, be extended for an additional period, and that they should remain restricted so long as these homesteads stay in the hands of those of half or more Indian blood.

I should correct my statement about that to some extent. The question of the quantum of Indian blood was written into the bill in the discussion in the committee and the consideration of the bill itself, but the purpose of the Osage Indians is to have these restrictions remain in force so long as we still have Indians of full blood or more than half blood not fully able to take care of their own property and who feel they are safer in the hands of the Government itself.

I should stop here long enough to say that there is at least a partial answer here to the question often raised here and there over the country on the part of people who do not understand the situation among the Indians, that all of these restrictions ought to be removed at once and that the Indian Bureau ought to be abolished. These Indians themselves came before our committee and asked to have this kind of restriction and this sort of supervision of their property continued until they feel their descendants are ready to take care of their own property, so that it will not be dissipated.

Section 7 has to do with the affairs of the Osage tribal council. They now have a tribal council and business committee and definite provision must be made for the future election of officers and the carrying on of their business to enable them to transact their own affairs as they have been doing in the past. That is the purpose of section 7.

The other sections besides 1 and 7 written in the bill were given long consideration but they are not so important to these Indians. There have grown up, however, certain conditions with regard to controversies between the owners of surface rights on some of these Osage Indian oil lands and the lessees for the development of the oil, and it has been concluded within the committee that full opportunity should be given, first, for agreement among those having these different interests, but, failing of agreement, that then they should have equal rights to go into the courts for a determination of what their rights are. For that reason there has been written in section 2. To section 2 there is an amendment which would strike out, as we are proposing ultimately to bring the bill to the House, from line 13 on page 4 of the Senate bill through to the end of the

section and substitute for that the wording of an agreement that was reached between the representatives of these various interests. The Indians themselves stated before the committee that they were not greatly interested in that matter one way or the other, and they have no objection to it being in their bill. But it would appear to remove some difficulties that have grown up in the handling of those matters.

Then section 3, which is in controversy particularly and is opposed to a great extent by the gentleman from Oklahoma [Mr. HASTINGS], was inserted because of the judgment of the subcommittee. There has been much difference of opinion within the committee itself, but the majority of the committee voted to bring it before the House. I must agree that it does have to do with the collection of debts by the Government of the United States in connection with unrestricted Indians of less than half Indian blood. Many of these Osage Indians live in various parts of the country as well as in Oklahoma, and some have contracted very considerable debts. While they themselves are unrestricted, in many cases their funds are still subject to distribution to them by the Government because they have an interest in the income of these tribal oil lands. The situation is that the money in the hands of the Government can not be attached and secured for debts except under the honesty of these Indians themselves. The result is that there have been abuses.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. LEAVITT. The whole proposal there is, of course, that the debts of restricted Indians, over whom the Government has power at the present time more completely, if agreed to or approved in advance by the superintendent, can now be paid out of the restricted funds of those Indians, but that sort of thing can not be done in the case of these unrestricted Indians, who, in many cases, are of more white than of Indian blood. The question is whether the Government should have this right and obligation in connection with unrestricted Indians and make direct payment to people who have sold them the necessities of life with the expectation that the debts would be paid, but with resulting disappointment.

On the recommendation of the subcommittee, a majority of the committee finally agreed up to this point, that they would set a deadline and say that with regard only to necessities of life, not all kinds of debts—not the purchase of automobiles and things of that kind—but with regard to the actual necessities of life where the debt could be shown to be a just one and when it had been contracted prior to the enactment of this law, the Government would be authorized to hold out one-fourth of the income of these part-blood Indians and apply it on the payment of such debts.

Mr. HUDSON. Will the gentleman again yield there?

Mr. LEAVITT. I yield.

Mr. HUDSON. Would not there always be a controversy arising as to what necessities were? What is a necessity to one may be a luxury to another and would there not always be that confusion and controversy?

Mr. LEAVITT. Of course, this is the sort of matter that has already been handled to some extent by the superintendent of the Osage Nation and the rules have been pretty strictly applied. I doubt that there would be any real conflict. There would be differences of opinion, but the decision would be made by the superintendent of the Osage Nation, and I have talked the matter over with him, and I am convinced that one would have to make an exceptionally good case in order to collect a cent under this provision of the law.

Mr. HUDSON. Right there, can not these people go to the superintendent and get this authorization now?

Mr. LEAVITT. Not for the Indians that are not under restrictions. The superintendent has nothing to do with these unrestricted Indians except that the Government does control part of their money and that it is therefore not subject to being attached by those to whom the debts are owed.

Mr. HASTINGS. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. HASTINGS. I would like for the gentleman to discuss how the superintendent could go out to California, or send an agent out there to examine the books of those living in California, or those living in Arkansas, or those living in Colorado, or those living in New Mexico. A number of them—and the exact number I will put in the RECORD—live in distant States, and how is he going to adjust these claims and make settlements without having some representative there to examine the books and go over them.

Mr. SPROUL of Kansas. May I answer that question?

Mr. LEAVITT. Yes.

Mr. SPROUL of Kansas. The bill provides that the creditors who have claims for necessities of life shall present them and prove them at Pawhuska to the Osage superintendent. He is not required to go anywhere. If the creditors do not see fit to satisfy him at Pawhuska of the merits of their bill, it will never be paid and no moneys will ever be retained.

Mr. HASTINGS. Suppose he finds it necessary in order to adjust the matter to find whether or not it is due, and all that sort of thing, that other books have to be examined other than the mere claim filed.

Mr. FREAR. Will the gentleman yield there?

Mr. LEAVITT. Yes.

Mr. FREAR. Is there such a provision in any other law regarding any other tribe of Indians?

Mr. LEAVITT. I think not.

Mr. HASTINGS. None whatever.

Mr. LEAVITT. This is brought in, as I have stated, as a result of the recommendation of the subcommittee and agreed to by the full committee. I am going to be frank with the House. The committee itself in its judgment is divided on this point.

What I want to impress on the House is this: There are two sections in this bill that are vitally necessary to the Osage Indians, and because of objection to some other sections the bill itself should not be delayed and should not be defeated. If in the wisdom of the House some of the sections are stricken out or if there are amendments written to the bill, we still this afternoon ought to pass this bill, that will give the protection to the Osage Indians that is necessary in accordance with experience in the handling of Indian affairs.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill, with the understanding that this does not prevent discussion of amendments under the 5-minute rule.

The SPEAKER. The Chair understands the committee amendment has not yet been reported.

Mr. CRAMTON. And if I move to close debate, that will not prevent debate on the amendment?

The SPEAKER. The amendment has not yet been reported.

The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows."

Mr. CRAMTON. Mr. Speaker, I would like to present a unanimous-consent request. The committee amendment is one amendment as a substitute for the text of the bill, but the committee amendment consists of several sections more or less unrelated. I ask unanimous consent that the committee amendment may be divided and may be considered by sections and that any points of order against any section may be offered when that section is read.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the committee amendment may be considered by sections. The Clerk will then read the first section of the committee amendment, when it will then be in order to debate it or offer points of order or offer amendments.

Mr. SPROUL of Kansas. Mr. Speaker, a question for information. May we have the privilege of objecting to the unanimous-consent request?

The SPEAKER. Yes.

Mr. SPROUL of Kansas. If so, at what time would it be in order to make the objection; now?

The SPEAKER. Now.

Mr. SPROUL of Kansas. Then I make the objection.

Mr. CRAMTON. I ask for a division of the question. Perhaps that can only be done after the amendment is read.

The SPEAKER. The Chair thinks the first section should be reported first in its entirety.

The Clerk read as follows:

That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe until the 8th day of April, 1958, and as long thereafter as oil or gas or other minerals are found in paying quantities, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes, and the lands, moneys, and other properties now held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or

their heirs and assigns, shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by act of Congress. The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided*, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further*, That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals.

Homestead allotments shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

Mr. CRAMTON. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the committee amendment may be read by sections. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 22, after the figures "1958," insert "unless otherwise provided by act of Congress."

Mr. LEAVITT. Mr. Speaker, the purpose of this amendment, which is offered at the request of the Osage Indians and brought to me as chairman of the committee, is to remove doubt to some extent as to the expiration or extension by Congress of the restricted period.

Mr. CRAMTON. Congress can do that anyway, can it not?

Mr. LEAVITT. That is my judgment, but the Indians want this in.

Mr. CRAMTON. Congress has extended the period from time to time.

Mr. LEAVITT. Yes.

Mr. SPROUL of Kansas. The necessity for this amendment is brought about by the Indians having sold their rights to other purchasers, who are claiming that at the expiration of the fixed date they come into ownership of the oil, gas, and other minerals under the surface. This makes it certain that Congress continues control over the extension of the tribal rights.

Mr. HASTINGS. Mr. Speaker, I want to be heard, as I am opposed to the amendment. I want the attention of the committee. This amendment ought not to be inserted. Oil, gas, and other minerals were reserved in the original Osage allotment act until April 8, 1931. By the act of March 3, 1921, we extended this trust period until 1946. Now this bill extends it until April 8, 1958, but if you insert this amendment you might as well cut out the year 1958, for it does not mean anything.

Mr. ARENTZ. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ARENTZ. The committee amendment reads—

and as long thereafter as oil or gas or other minerals are found in paying quantities.

Mr. HASTINGS. Yes; and I shall move to strike out that language. It makes it indefinite. Such language never has been put in any bill before. Let me warn the House that if you let that language go in the representatives of the Osage Indians for the next 100 years will be making claims to Congress.

Mr. SPROUL of Kansas. Why?

Mr. HASTINGS. Because you leave it indefinite. I know that in the first place the original allotment act provided to terminate trust period, April 8, 1931. The act of March 3, 1921, extended the trust period to April 7, 1946. This extends it until April, 1958, with indefinite language in there—"as long as oil and gas and other minerals are found in paying quantities." That renders it meaningless.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. HOWARD of Oklahoma. Is it contended that if this language is left out it will make it a closed proposition?

Mr. HASTINGS. No; because Congress at any time prior to 1958 can extend it as it did on March 3, 1921, when it extended it to 1946. If you put this language in, a hundred years from now the Osage Indians will be coming to Congress and saying that you must make good their claim, and I think this language is dangerous and unnecessary.

Mr. LEAVITT. What is the gentleman's proposition?

Mr. HASTINGS. To make this just as you did by the act of March 3, 1921—extend it until 1958. If you want to extend it further to January 1, 1959, I have no objection. I want to strike out the language—

and as long thereafter as oil or gas or other minerals are found in paying quantities.

If you refer to section 1, the act of March 3, 1921, you will see that that language is not in it. It extends it until April 7, 1946.

Mr. LEAVITT. The judgment of the gentleman is that the Indians are just as well or better protected without that language?

Mr. HASTINGS. Exactly; and the Government is protected. I think it is my duty in looking after the Indians of the country to point out what is going to happen. Some claim is going to be made against the Government as sure as you put this language in.

Mr. LEAVITT. Mr. Speaker, I am sorry the gentleman did not present all of these views while the committee was considering this legislation in the subcommittee for a long time and before the general committee. We have been very slow in bringing out this bill in the hope that it would ripen into its proper form.

Mr. HASTINGS. The gentleman had not offered this amendment before. It is not in the committee print.

Mr. LEAVITT. This is not a committee amendment. It is offered by me at the request of the Osage representatives who brought it to me and asked that I present it to the House.

Mr. HASTINGS. I say that if that amendment is adopted, then you have no time limit fixed in this bill at all, and it is entirely indefinite, as it runs not only until 1958, but for a thousand years, and I want to warn the House so that it votes on this amendment with its eyes open.

Mr. SPROUL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SPROUL of Kansas. Suppose that the Government, on behalf of the Indians, in making title to the surface of the land by patent deeds provided in the patent deed that they have a title to the surface subject to the right of the Government on behalf of the Indians in the mineral rights which were extended to a certain date.

Mr. HASTINGS. Oh, well, that question is not involved here at all. This is the question of the extension of the trust period and the original allotment act of June 28, 1906, extended the trust period until April 8, 1931. The act of March 3, 1921, extended the trust period until April 7, 1946. What I want to do is to continue this trust period to a definite date and not leave it indefinite, as the amendment of the gentleman from Montana or the committee amendment will do.

Mr. LEAVITT. Let me correct the gentleman there. This is not the personal amendment of the gentleman from Montana or of the committee, but it is offered by me from the Osage Tribe of Indians.

Mr. HASTINGS. I am trying to warn the House. As a Member of the House there is some responsibility upon me as well as upon others. I say to the House now just exactly what that kind of an amendment means. I say that the Indians are protected if you put in a definite date. If the gentleman thinks a longer date than 1958 ought to be inserted, I will vote with him, but I think the Government ought to be protected, and I think there should be a definite date.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WILLIAMSON. It does not seem to me that the amendment proposed by the gentleman from Montana would make one particle of difference one way or the other, because Congress has the right to legislate and extend it before the period of expiration.

Mr. HASTINGS. Then why not cut out 1958 and quit camouflaging about it.

Mr. WILLIAMSON. I do not think the amendment means a thing, whether it stays in or stays out.

Mr. HASTINGS. Then if it does not, and if there is danger, why not vote it down?

Mr. LEAVITT. Has the gentleman any further statement to make?

Mr. HASTINGS. No.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. FREAR. Referring to the provision on page 3:

Provided, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

Mr. HASTINGS. The proposed amendment is on page 2, line 22.

Mr. FREAR. I am asking in addition to that for this information. Can the gentleman give me that?

Mr. HASTINGS. I think I can.

Mr. FREAR. It provides that not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

Mr. HASTINGS. I am in favor of that.

Mr. FREAR. Why?

Mr. HASTINGS. The present law necessitates the Government offering 100,000 acres a year. Sometimes there is a disturbance in the oil situation out there. The price of oil goes down because there is an oversupply. It is thought not desirable, not in the best interests of the Indians, to compel the leasing of such a large acreage, and this permits some elasticity, so that it can be run down to not less than 25,000 acres which may be offered for lease.

Mr. FREAR. Why as much as 25,000 acres?

Mr. HASTINGS. So that some development may go on.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield there?

Mr. HASTINGS. Yes.

Mr. HOWARD of Oklahoma. The committee was asked by the oil conservation board to remove any minimum amount that could be leased each year by the Secretary of the Interior, but we saw fit to require at least 25,000 acres to be leased.

Mr. FREAR. That is the question: Whether or not 25,000 acres is the right amount for each year. Why have an amount as large as that?

Mr. HASTINGS. It is quite safe now to put in that amount. We required 100,000 acres when the trust period had not been extended and we inferred the country would not be developed unless we required a large amount. Now, since the trust period is being extended, it is safe to offer a less acreage.

Mr. FREAR. But why 25,000 acres?

Mr. HASTINGS. Oh, that was a compromise.

Mr. FREAR. It might be 100,000 every year.

Mr. HOWARD of Oklahoma. They can lease whatever they see fit not less than 25,000.

Mr. LEAVITT. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen, I speak with a good deal of diffidence on this bill, because the Osage situation is so complicated, but I thought I might direct attention to this proposition and in reference to the amendment which the gentleman from Oklahoma [Mr. HASTINGS] intends to offer. I can not see that the Leavitt amendment makes any difference whether it is in or whether it is out, and I do think that it is very desirable that the Hastings amendment be not adopted. The gentleman from Oklahoma [Mr. HASTINGS] is correct that if the bill passes as proposed by the committee, the gentleman from Montana, we have an indefinite period. But to my mind the circumstances are such that an indefinite period is necessary. As I understand, the Osage Tribe of Indians own land and the mineral rights under the land. The mineral rights are reserved to the tribe as a whole to-day, owned by the tribe as a whole, but the land was allotted. Now, there might be valuable oil still in this piece of land allotted to A and no oil in this land allotted to B. Now, these lands are sold and disposed of and pass from hand to hand more or less, but the oil belongs to the tribe. It is not sold; but we are here providing for its preservation to the tribe until 1958; but when 1958 comes suppose Congress did not take any further action, did not extend the period further. Suppose the amendment of the gentleman from Oklahoma was adopted and leases that are then in operation are still producing. What are we going to do with the oil that is thereafter developed under the remaining wells? Why, it goes to the owner of the land, and as I understand the situation the oil should not go to the owner of the surface as long as it is producing to a valuable extent. It seems to me it is going to be desirable to retain the oil produced as a tribal asset for every member of the tribe, whether restricted or unrestricted, or whatever may be the status, to continue to draw down a proportionate share. Now, the equity appears when you remember that the oil field is developed at the expense of the tribe and not of any individual. I do not see any reason in 1958 or in 1950 any more than in 1960 that the oil under the land should come to the owner of the land. I think the oil should continue to go to the tribe and be administered as an asset of the tribe, in which he has a share. Therefore I do not see that the amendment of the gentleman from Montana matters, as I understand Congress will have the right to do it anyway, but I feel it is undesirable to adopt the amendment the gentleman from Oklahoma proposes to offer.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent—
Mr. SPROUL of Kansas. The gentleman has not offered his amendment.

Mr. HASTINGS. I am going to ask unanimous consent to proceed for five minutes more because—

Mr. LEAVITT. I will yield the gentleman five minutes.

Mr. HASTINGS. I want to answer the gentleman from Michigan, and I want to talk on both amendments at one and the same time.

Mr. LEAVITT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEAVITT. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes in regard to his amendment. Now, in what position would I be if I do not object to that, in regard to the amendment now pending?

The SPEAKER. The Chair thinks it would take the gentleman off his feet.

Mr. LEAVITT. I do not want to do that.

The SPEAKER. Under the present parliamentary situation we are in a rather peculiar position because we are operating in the House, this being a House bill, and we are operating under the hour rule.

Now the gentleman from Michigan asked and procured unanimous consent to consider the Senate amendment, separately, by sections. Therefore, any gentleman obtaining the floor is entitled to an hour. If that gentleman yields the floor and another gentleman gets the floor, he is entitled to hold it.

Mr. CRAMTON. Would it be in order to secure unanimous consent to consider these committee amendments and amendments thereto under the 5-minute rule?

The SPEAKER. The gentleman can ask unanimous consent to do that.

Mr. CRAMTON. Then I ask unanimous consent to do that, Mr. Speaker, and ask that the gentleman will yield to me for that purpose.

The SPEAKER. The gentleman from Michigan asks unanimous consent to consider this committee amendment and amendments thereto under the 5-minute rule.

Mr. HASTINGS. Is it the understanding that this full committee amendment shall be read by sections?

The SPEAKER. That is already ordered. Is there objection?

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Kansas moves to strike out the last word. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, I disagree with the gentleman from Oklahoma [Mr. HASTINGS] as to the law relating to the tribal-owned mineral rights under the surface of their original tribal land. If there were no property rights except the Indian tribal rights, then a definite date for the extension of tribal rights in the mineral could be fixed. But there are other interests. The oil-lease holders and the landholders have received leases and deeds to exist so long as the tribal title is provided by law—1946. If the law does not provide that Congress shall have power to further extend the life of ownership of the tribe in the mineral under the land, then the rights and title of the surface owner would become absolute and entire in the fee title. Hence the great importance of a provision to extend the title to a date certain and as much longer as may be provided by Congress, even indefinitely; but the provision in the bill suggested by the gentleman from Montana [Mr. LEAVITT] continues the tribal deed to the surface only as long as the Government wishes to continue it, and if such a provision of the law is put in the deed or patent, then the purchaser does not buy without notice. He buys with notice, and the Indians continue to use the oil and the gas under the land. That is the purpose of this amendment. That is why the Osages and their attorneys insist on its being put in, because many of the owners of the surface of the land are looking forward to the time when they will have opportunity to demand control of the oil rights.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WILLIAMSON. I do not see how they can convey anything but the surface rights of this land under the bill, so that whoever took the land would get only the surface rights, and Congress can legislate with respect to that, notwithstanding this amendment as proposed.

Mr. SPROUL of Kansas. Well, as the gentleman from Michigan [Mr. CRAMTON] has suggested, it can do no harm to put it in there. We have not sufficient time to discuss the law bearing on it. The owners of the surface are looking to the time when they shall obtain control, and their lawyers advise

them that when that does happen they can demand the oil under the land. But otherwise the oil and gas are continued, and if the oil rights are continued they will never get title to the oil under the land.

Mr. HASTINGS. Does not the gentleman understand that this will not affect the deed?

Mr. SPROUL of Kansas. If the gentleman will examine the deeds he will see that there is a provision in them for this very contingency. That is why I am urging it.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. KETCHAM. I am particularly interested in the discussion between the gentleman from Oklahoma [Mr. HOWARD] and the gentleman from Kansas with reference to the change from the requirement of leasing 100,000 acres down to 25,000 acres. What effect, if any, will this amendment have on the leasing requirement and the bringing in of additional oil wells if this amendment is adopted?

Mr. SPROUL of Kansas. At the present time the price of oil is extremely low. There is enough money for the maintenance of the Indians. If you increase the amount to greater than 25,000 acres, you will be wasting the oil on a low market. Many of the sections of land adjoining the land operated require offset wells to be drilled, and you have to make leases for such purposes to protect the unleased land from drainage.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. FREAR. It is provided that not less than 25,000 acres shall be offered in any one year. That is 40 square miles every year. It does not say "not more" but "not less."

Mr. SPROUL of Kansas. Yes.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. WILLIAMSON. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from South Dakota moves to strike out the last word.

Mr. WILLIAMSON. Mr. Speaker and Members of the House, I am taking the floor as much to get my own mind cleared up as for the purpose of giving information to the House.

Under this bill, as I understand it and certainly under the act of June 28, 1906, all the oil and minerals under the surface of these Osage Indian lands are reserved to the Osage Indians as a tribe. That is the law now. Now, grants can not be made without, in effect, incorporating the statute in the deeds of conveyance, and no grantees can receive more than the act of 1906 gives them, and such act specifically reserves all oil, gas, coal, and other minerals to the Osage Tribe, and hence grantees acquire no right whatever to the minerals under the surface of the ground.

Now, the sponsors of this bill propose to extend the provisions of that act until April 8, 1958, and, in my judgment, such extension carries with it all the conditions of the act of 1906. It follows that any conveyance made up to 1958 would only convey the surface rights and not the minerals underneath the ground. Nor will such conveyance transfer any possible contingent right to the minerals after 1958. Hence no vested right to such oil or minerals can accrue to grantees of lands within the purview of this bill or the act of June 28, 1906. Congress, therefore, would be clearly within its rights if, prior to 1958, it should provide for a further extension of the 1906 act.

So, whether the amendment offered by the gentleman from Montana [Mr. LEAVITT] is in the bill or whether it is out of the bill makes no particular difference, in my judgment. No vested rights are involved, because the Government has specifically reserved the mineral rights. The situation is in no wise different, as I view it, than that created by the ordinary patent for land where mineral rights are reserved. All patents now issued for public lands open to homestead entry have a reservation by which the Government expressly reserves the minerals, so that all conveyances made in the future must necessarily have written into them such a reservation for the purpose of construction. Successive transfers can add nothing to the original grant. Such conveyances necessarily embody the language of the law, which reserves the minerals, whether such language is written into them or not. That is exactly what you will have here if you pass this bill without the amendment.

I can see no harm in putting it in, but I do not think the amendment would change the law one particle, because any conveyance for the land effected by this bill would only transfer the rights of the grantor. Not having any right to the oils or minerals that might lie below the surface, he could grant none. The grantee must necessarily take notice of the law limiting the character of the grant under the act of June 28, 1906. I should like to ask the gentleman from Oklahoma [Mr. HASTINGS] if he concurs in this view.

Mr. HASTINGS. I would like to claim the floor in order to answer the question asked by the gentleman from South Dakota and also the question raised by the gentleman from Michigan, and if the gentleman will yield to me now I will do so.

Mr. WILLIAMSON. I yield to the gentleman.

Mr. HASTINGS. Here is the proposition. The lands of the Osage Tribe were allotted under the allotment act of June 28, 1906, and title was passed. The right to the minerals was reserved in that act until April 8, 1931, and deeds were issued. Prior to April 8, 1931, namely, on March 3, 1921, Congress extended the trust period until April 7, 1946, without any conditions. Now, this is prior to April 7, 1946, namely, 1929, and now Congress, by this provision, gives a further extension. The point I am trying to make is that we ought to extend it to a certain definite date, because prior to 1958 the hands of Congress ought not to be tied. If Congress, prior to 1958, thinks it wise, it can make any change or extension that may be desirable, and its hands ought not to be tied in the meantime, and no hope ought to be held out to anyone upon which he can base a claim to be reimbursed. While I have objection to this amendment I have really more serious objection to other language reported in other parts of the bill—

Mr. WILLIAMSON. Without going into that discussion let me ask the gentleman this question: Whether in his judgment conveyances made between June 28, 1906, and up until this time conveyed anything at all but the surface rights?

Mr. HASTINGS. None whatever, in my judgment, and prior to 1946, in my judgment, and prior to 1958, in my judgment, it would convey no more rights. The gentleman and myself agree on that and we are not in disagreement about it, but I think whenever you are extending the trust period in a bill you ought to put in a definite certain date and not a conditional time.

Mr. WILLIAMSON. I do not yield further. I think it is clear, gentlemen, that whether the proposed amendment offered by the gentleman from Montana [Mr. LEAVITT] is in the bill or out of it does not make any difference whatever because in no event will the deeds of conveyances convey anything but the surface rights, the mineral rights having already been reserved.

Mr. HASTINGS. Mr. Speaker, I move to strike out the last two words. If you will examine the language in this bill you will find it follows exactly the language of the act of March 3, 1921, except that it adds a condition. We extended this period once, namely, by the act of March 3, 1921, until April 7, 1946. If we were to extend this until April 8, 1958, it would be exactly like our 1921 statute, but the committee inserts in the bill certain words as follows:

And as long thereafter as oil, or gas, or other minerals are found in paying quantities.

Which really renders that meaningless, does it not? Of what use is the date of 1958 when the bill adds the words:

And as long thereafter as oil, or gas, or other minerals are found in paying quantities.

If that means anything, it means that this would continue for 1,000 years after every original allotted Osage is dead, provided oil or gas or other minerals are found in paying quantities during that time.

Now, I want to answer the gentleman from Michigan. The Osages made an allotment agreement June 28, 1906, in which the mineral rights were reserved until a certain time; namely, April 8, 1931. Prior to that time the period was extended until 1946 and now another extension is proposed. I supported the extension in 1921 and I do not oppose this extension. I will favor any reasonable extension that the gentleman from Montana or his committee will offer. If the gentleman thinks 1958 is not long enough, I will vote for another date, but what I am trying to press upon the House is that we should not be deceived by this language. I think you ought to fix a definite date in the bill, because whenever we put in the bill until April 8, 1958—

And as long thereafter as oil, or gas, or other minerals are found in paying quantities,

We do not mean that this period is extended to 1958, but it might mean for 1,000 years if they continue to find oil and gas or other minerals there. I contend that Congress, prior to 1958, ought not to have its hands tied, because as 1958 approaches Congress will know the situation, and if it is necessary the time can be further extended, and if that is desirable I feel sure Congress would do it.

But I do not believe we ought to put language that makes it indefinite in a bill. I think it is dangerous; I do not think it is desirable; I do not think it is wise; I do not think that Congress ought to tie its own hands.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. WILLIAMSON. I do not believe that language makes very much difference, because, after all—

Mr. HASTINGS. Then why not strike it out?

Mr. WILLIAMSON. I do not know that I would want to strike it out. It is only in case of a grant by the Government that any vested rights could accrue. This refers to a grant withholding the minerals from any person who may acquire a title to the land.

Mr. HASTINGS. I deeply regret that I have been unable to impress my thought upon the gentleman from South Dakota. I know the fault is with me. When 1958 shall come, there may be only a handful of these Indians living. Perhaps in the meantime Congress will have continued the period again, but about a hundred years from now you will have representatives of these deceased Indians coming here and pointing to this act, and they will say, "No; we reserved these minerals not until 1931, because you extended it to 1946; not until 1946, because you continued it until 1958"; and then they will say, "No; not until 1958, because you continued it in a solemn act of Congress as long as oil and gas and other minerals are found in paying quantities"; and if in the next 50 years, or after 1958, there is some oil and gas found in paying quantities, they will have a just and valid claim against this Government; and while those here will not be bothered with it, some future Congress will; and knowing the situation as I do, I feel that there is some responsibility upon me, at least to point out to the Members of this House this fact and let them vote with their eyes open.

Mr. GREEN. Mr. Speaker, I move to strike out the last word and ask unanimous consent to proceed for 10 minutes.

Mr. LEAVITT. Reserving the right to object—

Mr. HOWARD of Oklahoma. I object.

The SPEAKER pro tempore. Objection is made. The gentleman is recognized for five minutes.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a few brief statements on Indian affairs clipped from a magazine.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is that the article on Indian affairs in Good Housekeeping?

Mr. GREEN. It is.

Mr. CRAMTON. I will say to the gentleman of my own personal knowledge that that article does a gross injustice to your Government and to mine, and I object to any such extension of remarks.

Mr. GREEN. I would like to say before the gentleman makes his objection that a Member of Congress has told me that it is absolutely true.

Mr. CRAMTON. It can not be absolutely true.

Mr. HASTINGS. It is already in the Record.

Mr. CRAMTON. I object.

Mr. FREAR. Will the gentleman yield?

The SPEAKER pro tempore. Objection is made to the extension of remarks.

Mr. GREEN. I yield to the gentleman from Wisconsin.

Mr. FREAR. Anything I have said or anything I have quoted I will say is absolutely true and witnesses can be presented, so far as that is concerned.

Mr. HASTINGS. The matter referred to is already in the Record. It was put in over in the Senate.

Mr. GREEN. This particular article?

Mr. HASTINGS. Yes; it was inserted in the Senate.

Mr. LEAVITT. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. LEAVITT. It is published in the Record of January 26, under remarks of Hon. W. B. PINE, of Oklahoma, and it would be improper, of course, to include under another extension of remarks the same matter that has already been placed in the Record.

Mr. GREEN. I am glad to receive the information that the article is in the Record. That is all I wanted. I wanted the article in the Record in order that my colleagues may have the benefit of reading a report which is as startling as this report is. Will the gentleman give me the page number?

Mr. LEAVITT. It is in the Record of January 26.

Mr. GREEN. Give the page, please.

Mr. LEAVITT. It is on page 2258 of the Record of January 26.

Mr. GREEN. I would like to ask my colleagues to take enough time to read that article. You will not read anything during the next six months which will be as great a revelation to you as that article was to me. It shows the fact that the Indian population of our Nation has decreased 62 per cent in a very few years and tells of the gross injustice to and neglect of this proud race of our Americans by the Bureau of Indian

Affairs and other constituted agencies of our Government. It tells of their maladministration and tells of the terrifying conditions of starvation, punishment, neglect, curable illness, as well as crime in the Indian Government schools. Frankly, my colleagues, it is horrifying, and a Member of the Congress has told me that these statements—

Mr. CRAMTON. Will the gentleman yield?

Mr. GREEN. Not right now. I will yield to the gentleman if I am given more time.

It is alleged in this article—

Mr. CRAMTON. Mr. Speaker, I make the point of order that the gentleman is not discussing the amendment.

Mr. GREEN. Mr. Speaker, I am discussing these Indian bills now before the House, and in order to discuss the amendment I must bring out essential facts relative to the mistreatment of Indian children, Indian adults, and the malfeasance, nonfeasance, and misfeasance of the Bureau of Indian Affairs.

The SPEAKER pro tempore. The rule on Calendar Wednesday is that gentlemen must confine their remarks to the subject matter under consideration. The gentleman will proceed in order.

Mr. GREEN. I maintain to my colleagues that if Indian children are being hooked to plows and if fields thus tilled with 12-year-old Indian boys instead of beasts of burden, surely that is in order. The article goes on to state that they are even poked and beaten with sticks when they are tired and lag behind in the plow harness, and that they are beaten in the faces and mouths and made to work in balls and chains, dragging iron balls, these school children.

Mr. LEAVITT. Mr. Speaker, I renew the point of order. I do not do this in order to keep the matter out of the Record—

Mr. GREEN. If they are given food in the Government schools which has maggot worms in it and mice in it, as this article describes, if the doctors are refusing to attend Indian women when they cry out for them in time of need, and if Indian school girls are disciplined by being forced to kneel on hard floors all night and given only bread and water. The article says they are given weak, poor food and not nearly enough of it and are, in fact, in many cases starved to death—

Mr. LEAVITT. Does the gentleman know that is true?

Mr. GREEN. If they are not given proper food, but are given bread and water instead—tell me these things are not material? They are being starved and beaten and worked in balls and chains and denied medical attendance. Twenty per cent have trachoma and tuberculosis. Is—

Mr. CRAMTON. If the gentleman will yield, they would be material if true; but they are not true.

Mr. GREEN. All I can say to my friend from Michigan is that a Member of Congress who has traveled 45,000 miles at his own expense, and whose veracity I refuse to question, has told me to-day that these conditions as mentioned in this statement are not only true but more than that is true.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. GREEN. Mr. Speaker, I ask to proceed for five additional minutes.

The SPEAKER pro tempore. The gentleman from Florida asks that his time be extended five additional minutes. Is there objection?

Mr. LEAVITT. Reserving the right to object, does the gentleman from Florida intend to discuss the amendment? If the gentleman is interested in the Indians instead of talking about something that somebody told him or what he has read in some magazine, he should talk about the amendment and help to pass the bill.

Mr. WILLIAMSON. Mr. Speaker, I object.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to revise and extend his remarks. But not to include the matter which has been objected to.

Mr. GREEN. No, Mr. Speaker, the article is in the Record where the gentleman from Michigan can read it. Possibly, then, he and others here to-day will have their eyes opened and cooperate in correcting these abuses.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that all debate on the amendment close in five minutes.

Mr. CRAMTON. I want to say to the gentleman from Florida that the "gentleman from Michigan" read as far in the article as he could stand it, but encountered so much misstatement and vilification of the Government that in disgust he laid it aside.

Mr. FREAR. Mr. Speaker, I wish to make a statement for just one minute. I wish to say that the gentleman approached me a while ago. I have said repeatedly that I have made these statements on the floor of the House, and any statement I made I am prepared to support by evidence. When this woman asked me if she was subject to libel if she printed these matters, I said, "Not for any statement that I have made on the floor of the House," because they are true, in my judgment. [Applause.]

Mr. LEAVITT. Mr. Speaker, I will withhold my request for unanimous consent long enough to say that I am not asking to expedite the bill in order to stop the discussion of these other matters; but we have before us a bill which the Osage Indians desire very much to have passed to-day for their protection. Discussion of other matters is taking up the time of the House, and I ask unanimous consent that debate on this amendment be closed in five minutes.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that all debate on the pending amendment be closed in five minutes. Is there objection?

Mr. GREEN. Reserving the right to object—and I will not object—as I understand, the gentleman would not object to speeches along this line later on?

Mr. LEAVITT. This is Calendar Wednesday and we have before us 12 bills in which various tribes of Indians are interested.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. FREAR. This does not interfere with amendments to follow in sections?

Mr. LEAVITT. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

Mr. KETCHAM. May we have the amendment reported again?

The amendment was again reported.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HASTINGS), there were 49 ayes and 9 noes.

So the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HASTINGS to the committee amendment: Page 2, line 22, after the figures "1958" strike out the following: "and as long thereafter as oil, gas, or other minerals are found in paying quantities."

Mr. HASTINGS. Mr. Speaker, I am not going to take up the time of the House much further. This extends the trust period until 1958. As I stated a moment ago, the trust period did run until 1931. By act of March 3 we extended it to 1946, and this extends it to 1958, but with the language that follows it is indefinite. With this amendment added to the language that I move to strike out it renders it meaningless and indefinite.

Mr. ARENTZ. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ARENTZ. The committee put those words in thinking to safeguard the interest of the Indians. Personally, I have no objection, and I do not think anybody else has, to the elimination of those words. I am speaking, though, for myself alone.

Mr. HASTINGS. I am a sincere friend of the Indians and also of the Government, and I think we should have definite language in the bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 36 ayes and 21 noes.

So the amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments, which I send to the desk, which are textual in nature.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 3, line 3, strike out the words "and the," insert a period, and begin a new paragraph with the word "The."

Page 3, line 4, after the word "now," insert the words "or hereafter."

Page 3, line 8, begin a new paragraph with the words "The Secretary."

The SPEAKER pro tempore. The question is on agreeing to the amendments offered by the gentleman from Michigan.

The amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 3, line 25, strike out the words "allottee or" and insert "original allottee of one-half degree or more of Indian blood and."

Mr. CRAMTON. Mr. Speaker, in explanation of that, this is a question of the taxation of the restricted homesteads of these Indians, and the amendment makes it clear that such exemption is only granted in favor of the original allottee or his heirs or devisees, and in each case the allottee or heir, in order to have the benefit of the exemption, must have at least one-half degree of Indian blood. The amendment states "Indian blood" instead of "Osage Indian blood."

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. I notice the gentleman uses the expression "one-half degree of Indian blood." It should be "one-half Indian blood."

Mr. CRAMTON. I have merely followed the committee language.

Mr. WILLIAMSON. Does not the committee strike out the word "degree"?

Mr. CRAMTON. On page 4 of the bill it uses the word "degree."

Mr. HASTINGS. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. HASTINGS. What about this amendment to the gentleman's amendment on page 3, line 24, after the word "allotment," to insert—

of Osage Indians not having a certificate of competency.

That would extend the exemption from taxation to the homesteads of the restricted Indians, those not having a certificate of competency. So far as I am concerned, I am opposed to exempting land from taxes of unrestricted Indians. Whether the gentleman accepts this amendment or not, I want to offer it later.

Mr. CRAMTON. That matter is a separate proposition, and could be offered separately.

Mr. HASTINGS. Very well. Let us have the gentleman's amendment again read.

Mr. CRAMTON. Unless they are of at least half Indian blood they would not get the benefit of this tax exemption.

Mr. HASTINGS. I am in favor of that.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOWARD of Oklahoma. I do not quite understand the gentleman's amendment. Does the gentleman mean that the Indian blood must be of Osage Indian blood?

Mr. CRAMTON. No; just Indian blood.

Mr. HOWARD of Oklahoma. I think the word "Osage" should go in there, because Indians of other tribes are marrying these Osages to some extent, and there is no reason why we should exempt a homestead to them.

Mr. CRAMTON. I am not insisting upon that. That suggestion was made, and it appealed to me to have weight; but if the gentlemen from Oklahoma are averse to it, I shall ask unanimous consent to modify my amendment in that respect.

Mr. HOWARD of Oklahoma. The original bill was "Osage Indian blood."

Mr. CRAMTON. I shall ask to put in the word "Osage" before the word "Indian."

Mr. WILLIAMSON. I thought the committee had stricken out the word "degree" in every case where it was used.

Mr. LEAVITT. No.

Mr. WILLIAMSON. I think the language is incorrect. "One-half degree Indian blood" does not mean anything. It should say one-half. A degree may be a sixty-fifth.

Mr. LEAVITT. Mr. Speaker, if the gentleman will yield, the committee took no final action on that. So much of the legislation uses "one-half degree," and so on, that I do not think there is any possibility of misunderstanding.

Mr. WILLIAMSON. Is that the common language used throughout these bills?

Mr. LEAVITT. That is my understanding. The gentleman from Oklahoma [Mr. CARTWRIGHT] states that that is the language used in the legislation for the Five Civilized Tribes. There is no objection to striking out the word "degree."

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that in every place where the language "one-half degree of Indian blood" appears in the bill that it be made to read "one-half Osage Indian blood."

The SPEAKER pro tempore. Does the gentleman from Michigan withdraw his request to modify his amendment?

Mr. CRAMTON. No. I ask unanimous consent to modify my amendment by inserting the word "Osage" before the word "Indian," and in connection with that now I ask unanimous consent that as these gentlemen desire it to strike out the word "degree" also.

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. CRAMTON to the committee amendment: Page 3, line 25, strike out the words "allottee or" and insert in lieu thereof "original allottees of one-half or more of Osage Indian blood, and."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that he so modify his amendment?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Speaker, at this point I ask unanimous consent that wherever the word "degree" appears in the bill in connection with "one-half degree of Osage Indian blood," it be stricken from the bill.

Mr. LEAVITT. There is no objection to it. It is intended merely to clarify the meaning.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that the Clerk be authorized to make corrections in the bill by eliminating the word "degree" wherever it appears. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I have offered an amendment at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment: On page 3, in line 24, after the word "allotments," insert "of Osage Indians not having a certificate of competency."

Mr. HASTINGS. Just one minute. That amendment makes the exemption of the homestead allotment apply to homesteads of Indians not having a certificate of competency. If the Indian is turned loose from Government supervision, this will permit his homestead to be taxed. I feel that the unrestricted Indians ought to be taxed and bear their tax burdens the same as others.

Mr. ARENTZ. Before the Committee on Indian Affairs the gentlemen from Oklahoma, Mr. CARTWRIGHT and Mr. HOWARD, and yourself, I believe—

Mr. HASTINGS. No; I did not.

Mr. ARENTZ. Well, those two other gentlemen discussed this matter in regard to the homestead and they brought out this statement, that out of the gross receipts from leases of oil and gas and coal and minerals 3 per cent was paid to the State and 2 per cent—

Mr. HASTINGS. One per cent.

Mr. ARENTZ. One per cent to the State and two to the county, whatever that may be. At any rate the entire land that has been leased goes into either the county or the State treasury, and regardless of whether there are a half dozen 160-acre homesteads or all this amount being paid is sufficient to meet more than the cost of taxes.

Mr. HASTINGS. I understand what the gentleman is getting at.

Mr. HOWARD of Oklahoma. If the gentleman will yield for a correction, the gentleman stated Mr. HOWARD and Mr. CARTWRIGHT, of the committee, made that statement. It was Superintendent Wright who made the argument relative to the payment by the Osage Indians of the 1 per cent on gross production.

Mr. ARENTZ. I stand corrected.

Mr. LEAVITT. Will the gentleman from Oklahoma state his amendment again?

Mr. HASTINGS. It makes the exemption from taxation apply to homesteads of those not having a certificate of competency.

Mr. LEAVITT. Where does it come?

Mr. HASTINGS. After the word "allotments," page 3, line 24. "Homestead allotments shall remain exempt." It applies to Indians not having certificates of competency. In other words, if they are restricted, their homesteads are exempt. If they are under Government supervision, their homesteads are exempt. However, whenever they are turned loose and not under Government supervision, they pay their taxes like

anybody else. In answer to what the gentleman from Nevada said in 1921, we added 1 additional per cent tax to the gross production tax on oil; and, if you will examine the argument then made, it was that the 1 per cent should not go into the general fund but to build roads and bridges in Osage County for the benefit of the Osage lands that added value to those lands. It does not go into the general fund of the State at all—this extra 1 per cent.

I can not for the life of me find any reason why, after the Indians are turned loose, whatever their degree of blood, their lands ought not to be taxed.

Mr. CRAMTON. It is a difficult thing to come to a positive conviction upon this matter. I understand that these Indians, when they are given a certificate of competency, are not entirely turned loose. They can not sell their homesteads. They can not sell their land. An Indian may be a full blood, but a certificate of competency does not allow him to sell the land. Under your amendment the land can be taxed.

Mr. HASTINGS. And if your amendment prevails the land can be taxed.

Mr. CRAMTON. I am more concerned about the full bloods. Mr. HASTINGS. If he is a full blood and after examination is turned loose as competent to manage his own affairs, I think such a man ought to bear his part in the burdens of government, whether in the county or in the State.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. ENGLEBRIGHT. Does the gentleman from Oklahoma know what percentage of competents turned loose later become indigent?

Mr. HASTINGS. I think comparatively few. I do not have the exact figures.

Mr. ENGLEBRIGHT. I mean the percentage.

Mr. HOWARD of Oklahoma. Osages who have a homestead have their head rights and can not become indigent.

Mr. FREAR. By this right, as I understand, they have no right to sell or dispose of the land, and yet the land is sold by the State for taxes. What becomes of the Indian's rights?

Mr. HASTINGS. The Osage whose restrictions are entirely removed can sell the surface but not the mineral rights underneath. That is all that is taxed—the surface. The amendment of the gentleman from Michigan would tax all those of one-half Indian blood. This amendment would tax only those that are free of governmental supervision.

Mr. FREAR. But the oil rights remain with the tribe?

Mr. HASTINGS. Oh, yes.

Mr. SPROUL of Kansas. Mr. Speaker, I move to strike out the paragraph.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Speaker, I think there is a misunderstanding of the meaning of that section that is referred to. It provides for that class of Indians who are not on the roll of the tribe. Let us understand that clearly. The Indians capable of inheriting these formally allotted and exempt homesteads are Indians who were not enrolled as Osages. The section provides that the lands of these owners of 160 acres shall remain untaxable as long as the title remains in the original allottees, as long as the heirs or devisees are of one-half or more Indian blood, and provides that they shall not have more than two nontaxable homesteads. It provides for heirs of half or more than one-half blood, and yet their ancestors, especially one ancestor, may have less than half blood or be white.

Now, this provision of the bill was carefully thought out, and it endeavors to provide that the half blood who was not on the roll shall secure a nontaxable homestead and be in the same relationship to the tribe as the half or full blood enrolled and allotted Indian.

Mr. HASTINGS. It says clearly that the homestead allotment shall remain exempt from taxation while the title remains in the original allottee. It can not be heirs.

Mr. SPROUL of Kansas. It says "or his."

Mr. HASTINGS. The gentleman said it did not apply to the allottee.

Mr. SPROUL of Kansas. That is unallotted heirs or devisees of one-half blood, and it does not matter whether they are restricted or not. The fact that an Indian was half or full blood, who may have been made competent and his restrictions removed, does not change the fact that his 160 acres remain nontaxable, and the purpose and idea has been to provide a homestead nontaxable by descent and distribution to Indians of half or more Indian blood. I think these provisions are clearly set forth.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the debate on this amendment close in five minutes.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that the debate on the pending paragraph close in five minutes. Is there objection?

Mr. McKEOWN. I would like to have some time.

Mr. LEAVITT. I will give the gentleman four minutes of that time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker and Members of the House, under the laws of Oklahoma the State will receive 3 per cent on the oil and gas when they are developed. They are not taxable and can not be taxed, because it has been held in our courts that the interest is not subject to tax until developed. The amendment now, as I understand, is to exempt the homesteads. I do not know how fertile the homesteads are, but if the gentleman modified his amendment so as to make it 80 acres he would always have a home and could not get away with it.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HASTINGS. My amendment is to require those who are free of governmental supervision and who are turned loose to be taxed; and it will permit those of one-half or more Indian blood to whom certificates of competency have been issued to have their lands taxed.

Mr. McKEOWN. The Indian, no matter whether he has a certificate of competency or not, is not a fellow who is going to work and make money and pay his taxes. Give him 80 acres for a home. I think 160 acres is too much.

Mr. CRAMTON. The gentleman will admit that the provision before us has nothing to do with creating homesteads or changing homestead rights. The Indian will not have the right to sell it. He will still be restricted as to sale of the 160 acres.

The only question is as to whether or not it shall be taxed. Of course, if taxed the land can not be seized for the payment of taxes, the collection of taxes being enforced through their funds from oil.

Mr. McKEOWN. If you are going to do that, it will be all right, but how can you tax land that you can not sell if a man refuses to pay the taxes? I can not comprehend that.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. ABERNETHY. The Indian is not taxed now, is he?

Mr. McKEOWN. No.

Mr. ABERNETHY. Why tax him at all?

Mr. McKEOWN. He ought to bear his just proportion when he has all the rights and privileges of a white man.

Mr. ABERNETHY. As we have taken pretty much all he has, does not the gentleman think he should have some free taxes?

Mr. McKEOWN. No. He is as competent as you or I, and he should bear his just proportion of taxation.

Mr. HASTINGS. I think I ought to impress upon the gentleman from North Carolina that this amendment only taxes the land of competent Indians that are turned over under no governmental supervision and it exempts from taxation those that are still restricted and under the supervision of the Government.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Speaker, I am opposed to this amendment. The committee gave a great deal of consideration to the working out of a compromise of this matter that would be fair to all concerned and the committee determined that it would be well to exempt from taxation, as well as alienation, the homesteads of these Indians so long as they were in the hands of Indians of full blood or more than half blood. It was determined that that arbitrary line ought to be drawn, and for that reason the committee took the position it did take. That position is upheld by a resolution of the board of county commissioners of Osage County, Okla., in effect, when they stated, under date of March 6, 1928, that they approved such exemption of homesteads from taxation—

so long as the Osage Tribe of Indians are required to pay to the county 1 per cent of the amount of gross production on the royalties from oil and gas for the construction and maintenance of roads and bridges in said county.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. HASTINGS) there were—ayes 15, noes 27.

So the amendment was rejected.

Mr. HASTINGS. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS to the committee amendment: On page 3, at the end of line 23, strike out the period and add: "but all such leases shall continue as long as gas, oil, or other minerals are found in paying quantities."

Mr. HASTINGS. Mr. Speaker, that is practically the language of the act of March 3, 1921, and it makes clear that these oil leases are continued in force as long as oil and gas are found in paying quantities. This makes it clear that oil and gas and other mineral leases are continued as long as oil and gas or other minerals are found in paying quantities.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to be added at the end of section 1, line 5, on page 4. Before the amendment is read I would like to make this explanation. All that this proposed amendment does is to transfer from other parts of the bill to section 1 provisions that are germane to section 1. Really this is based on suggestions made by the gentleman from Oklahoma [Mr. HASTINGS] and agreed to by the gentleman from Oklahoma [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: On page 4, in line 5, after the word "acres," insert a colon and the following: "Provided further, That restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood: Provided further, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs: And provided further, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian allotted or unallotted at any time."

Mr. CRAMTON. Mr. Speaker, I will simply say that the first proviso is found at the bottom of page 9, lines 23 to 25, and at the top of page 10, down to the words "Indian blood." The second one is found on page 10, lines 14 to 19. The next one is found on page 8, lines 4 to 7, except in that proviso are inserted the words "allotted or unallotted" after the words "any Osage Indian."

Mr. SPROUL of Kansas. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker and Members of the House, this is a very unusual character of amendment—an amendment that provides that certain provisions in the various sections of the bill following the first one, which pertain to the same subjects involved in the first one, shall be considered a part of it.

Why, the purpose is to emasculate the bill, to make it so that the bill can be emasculated of every part that the mover of the amendment wishes stricken from it. It seems to me it is out of the ordinary in the consideration of bills. I never heard of it before. Of course, that is not important, perhaps, but it does seem to me that the provisions in the various following sections that have to do with Osage Indian affairs ought to be considered all the while in their sequential order when we get to them, together with other matter in the section.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. JOHNSON of Washington. I would like to ask the gentleman if this is done for the Osage Indians, what assurance have the rest of the congressional districts where there are Indians of wealth that this will not be done to them just as soon as the chance comes?

Mr. SPROUL of Kansas. That is absolutely correct.

Mr. JOHNSON of Washington. I refer, of course, to Indians who are the owners of great timber tracts who have potential wealth, but not wealth yet in hand.

Mr. SPROUL of Kansas. Allow me to suggest this—

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. In just a moment. This particular bill, Members of the House, has received most serious and careful consideration before the subcommittee and the entire committee at various times when the representatives of the

Osage Indian Council were present, furnishing their judgment and advice, and the bill has been generally agreed upon.

Mr. CRAMTON. I think if the gentleman will yield it will save some time.

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. CRAMTON. I have no desire to press the amendment if anyone feels it ought to be taken up in another way. In view of what the gentleman from Kansas [Mr. SPROUL] has said, I ask consent to withdraw the amendment. It is simply to put the bill in more orderly shape, but I will not press the amendment in view of the gentleman's position.

The SPEAKER pro tempore. The gentleman has the right to withdraw the amendment.

The amendment was withdrawn.

Mr. McKEOWN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKeown to the committee amendment: On page 3, line 15, after the word "year," insert the following: "Provided further, That the lessees of said lands shall not be considered instrumentalities of the United States."

Mr. McKEOWN. Mr. Speaker, the purpose of this amendment is to make the oil companies that lease this land subject to taxation. They have escaped taxation under these Indian leases on the ground that they are instrumentalities of the United States. It is a far-fetched conclusion, but it has been supported in the United States Supreme Court, and the oil companies under these leases escape their part of the taxes.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The gentleman understands that in the Osage Nation the oil companies have been paying the 3 per cent gross production tax ever since March, 1921.

Mr. McKEOWN. I know that; but they have plead in tax cases that they are not taxable because they are instruments of the Federal Government in taking this oil out, and they have been escaping some taxation on that principle throughout Oklahoma on all the Indian lands in the five tribes, and I want to know whether Congress wants that proposition to continue on the theory that because they get a lease from the United States Government they are instrumentalities of the Government and therefore not subject to taxation.

Mr. CRAMTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. Let me understand the gentleman's amendment. The amendment provides "the lessees of said land."

Mr. McKEOWN. Yes; that is, the lessees of this land you are to lease.

Mr. CRAMTON. Does that apply to the oil lease?

Mr. McKEOWN. That is what the bill says. It says that you are to lease this land for oil and gas purposes and states how many acres you must lease in one year, and I am simply adding this language to make these companies subject to taxes.

Mr. STEVENSON. Will the gentleman yield for a suggestion?

Mr. McKEOWN. Yes.

Mr. STEVENSON. Might it not be well to add the words "for purposes of taxation"? There might be some view in which they might be instrumentalities of the United States, but they certainly ought not to be allowed to escape taxation on that ground.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SPROUL of Kansas. Is it not a fact that under the laws of Oklahoma all the operating oil companies pay a gross production tax on their products, both gas and oil, to the State and part of it is allocated back to the respective counties, and that the laws of Oklahoma exempt them from paying any other or any additional taxes other than the 3 per cent gross production tax?

Mr. McKEOWN. It does not exempt them from paying all other taxes. It exempts them from paying taxes upon their oil.

Mr. HOWARD of Oklahoma. Will the gentleman yield for a correction?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The laws of Oklahoma providing for the collection of the 3 per cent gross production tax allow that for the machinery used in and around the operation of the oil wells, and as to the tax in the Osage country, they have paid it since the act of 1921. The courts have held that oil, after it is separated from the ground and is in the hands of the lessee, is personal property and is taxable, and they have been paying that.

Mr. McKEOWN. Will the gentleman tell me whether or not, when the gentleman was auditor of the State, the oil companies went to the Supreme Court of the United States and escaped taxation on this ground?

Mr. HASTINGS. That was prior to March 3, 1921.

Mr. McKEOWN. I am talking about other places in the State of Oklahoma.

Mr. HOWARD of Oklahoma. This has no bearing on any Indians except the Osage Indians, and under the act of 1921 the Osages and their lessees are paying all taxes.

Mr. McKEOWN. Then what harm will this do?

Mr. CRAMTON. The harm it may do is that the more burden of taxation Oklahoma is permitted to put on these lessees, the less they will be able to pay the Indians for the leases and the smaller the bonuses.

Mr. McKEOWN. I understand; but that is no reason, because they do not take that into consideration.

Mr. LEAVITT. Mr. Speaker, I rise in opposition to the amendment.

This is a matter that was not brought before either the subcommittee handling this bill or the full committee.

The bill was introduced in May, 1928, and there has been no effort to crowd it along.

These matters ought not to be brought up now by gentlemen who have not come before the committee in the light of trying to protect their districts or anyone else. This matter should not be adopted by the House.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. FREAR. Mr. Speaker, I move to strike out line 13, beginning at the word "provided," down to the end of line 15.

The Clerk read as follows:

Amendment by Mr. FREAR: Strike out, on page 3, beginning in line 13, with the word "provided," down to and including the word "year" at the end of line 15.

Mr. FREAR. Mr. Speaker, I admit that I have not been before the committee, nor do I know anyone who has been before the Indian Affairs Committee to argue this question on its merits; but I do believe that every Member of the House has the responsibility upon his shoulders, when a bill is presented and he is asked to vote upon it, to know its contents and the reasons for it.

Now, here is a proviso that I ask the attention of the House to consider, because it seems to me entirely indefensible. Reading back, beginning at line 8, page 3, it says:

The Secretary of the Interior and the Osage Tribal Council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians.

No one could object to that provision. Then it says:

Provided, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

In other words, the Secretary of the Interior is directed to lease not less than 25,000 acres of land for oil purposes in any one year, irrespective of the rights or needs of the Indians. Their capital investment is to be rapidly destroyed; we are expected to preserve it. We are here seeking to take from them at the rate of 25,000 acres a year—it may be 100,000 acres; no limit is provided as a maximum for this wastage in Indian oil lands.

Mr. HUDSON. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. HUDSON. The gentleman says the Secretary of the Interior could do this?

Mr. FREAR. He is required to do it.

Mr. HUDSON. The gentleman read "the Secretary of the Interior and the tribal council."

Mr. FREAR. It says the Secretary of the Interior and the tribal council, but you can persuade the tribal council to do many things, as the gentleman well knows. The Secretary of the Interior is their guardian under the law. He is selected for such purpose. We say to him, "We commit into your hands, Mr. Secretary, the interests of these Indians, but we require you to lease 25,000 acres or more to oil speculators." In other words, 760,000 acres of land is the minimum amount of oil lands we are going to make you lease to these oil speculators within the next 30 years under the provisions of this law. That seems to me most inconsistent for the committee to take from these Indians their own lands and force their guardian to dispose of them to oil speculators.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. HASTINGS. I think I can explain it to the gentleman.

Mr. FREAR. Very well.

Mr. HASTINGS. There are 1,500,000 acres of these lands.

Mr. FREAR. All oil lands?

Mr. HASTINGS. More or less. Under existing law the Secretary of the Interior is required to lease not less than 100,000 acres.

Mr. FREAR. And you are repealing that law to-day by changing it to not less than 25,000 acres every year.

Mr. HASTINGS. We are revising and correcting that so that he is not compelled to lease more than 25,000 acres. Why? We understand the trust has been continued from 1931 to 1946, from 1946 to 1958, and if you were to divide 1,500,000 acres by 25,000 it would take 60 years to lease it.

Mr. FREAR. Very well; I do not yield any further.

Now, gentlemen, it is certain that the 1,500,000 acres is not all oil land, and yet you are going to insist that 25,000 acres or more, possibly 100,000 acres, must be leased every year. You have stricken out the 100,000 acres in the old law, you say, yet not less than 25,000 acres must be leased every year to hungry, grasping oil speculators. No discretion rests with the Secretary of the Interior. He can not protect the Indian's oil lands, for we say to him he must lease 25,000 acres. If they have ten times that acreage in oil lands not yet leased, it is all certain to be frittered away in 10 years, and we are responsible for that result. It is a startling provision.

Why should we do that? On what theory can we justly force the Secretary of the Interior to lease 25,000 acres annually to the oil men? Can we not trust his judgment? We are trusting the Secretary with all other Indian property to sell, lease, and in every other way. It seems to me that we are taking the capital investment of the Indians, who have no voice in this matter, even though their tribal council may agree to it, and we will soon have them with exhausted oil wells, poor and helpless as all the other Indians we have despoiled of their property. I believe it is a vicious provision that should be stricken from the bill.

Mr. HOWARD of Oklahoma. Mr. Speaker, I rise in opposition to the amendment. My colleague [Mr. HASTINGS] has partially explained this provision. The history of the provision is this: A year or two ago an oil conservation board was created. The first recommendation they made was that we shut down operations on the Indian lands, so to speak, by repealing this hundred thousand acre requirement and leaving it in the hands of the Secretary of the Interior. That bill was sent to the Congress. As the representative of these Osage Indians I held up the bill, because when these lands are leased if development does not progress these Osage Indians are paid a rental of a dollar an acre a year, and I took the position that I would not permit of there being no minimum amount to be leased in this bill, and permit them at the same time to bring 250,000 or 300,000 barrels of oil up the coast into this country free of duty. I, as the representative of the Osage Indians, wrote that provision in the bill in order that the interest of the Osage Indians could be cared for and that development in their country should continue at least in an orderly way.

Mr. HASTINGS. And that it may all be developed before the trust period expires.

Mr. HOWARD of Oklahoma. Yes. I took that position, believing it was in the interest of the Indian.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. FREAR. The gentleman represents the Osage Indians?

Mr. HOWARD of Oklahoma. Yes.

Mr. FREAR. They have a limited amount of oil?

Mr. HOWARD of Oklahoma. Nobody knows whether it is limited or not.

Mr. FREAR. But common sense teaches us that is so in every case.

Mr. HOWARD of Oklahoma. Oh, the geologists have said for the last 10 years that oil is limited, but we keep on finding more.

Mr. FREAR. Their capital property is in that oil, and the gentleman is insisting as the representative of the Osage Indians that 25,000 acres of their land shall be used every year, leased to oil men where lessees can be found, depreciating to that extent their capital investment in oil. If you trust the Secretary of the Interior, as you will in all other cases I assume, what fear have you that he will not take care of the interest of these Indians just as well as the gentleman will without forcing him to lease 25,000 acres of oil lands every year?

Mr. HOWARD of Oklahoma. First, in answer to the gentleman's question, if his amendment should prevail, then the Secretary of the Interior will have to lease 100,000 acres.

Mr. FREAR. Why?

Mr. HOWARD of Oklahoma. Because the present law requires it.

Mr. FREAR. Oh, but you are destroying and repealing the present law.

Mr. HOWARD of Oklahoma. Oh, no; we are only amending it. Let me say further that if the Secretary of the Interior had not leased these lands of the Osage Indians, and if the white men had not gone in there and paid the Indian \$229,000,000 for his oil, he would not have had anything to-day, and I do not propose that you shall shut down development of the Indians' oil or that you shall shut down the development of American oil for the benefit of South American and Mexican oil, and that is why I objected to the provision offered by the Secretary of the Interior and the oil conservation board.

Mr. HASTINGS. And we are only amending existing law, which requires a hundred thousand acres to be offered. This amendment will permit a reduction of that offer to 25,000 acres.

Mr. HOWARD of Oklahoma. That is true.

Mr. HASTINGS. So that if this amendment of the gentleman from Wisconsin be adopted it would cut out all acreage altogether.

Mr. FREAR. I would have this act go further than that and say that all other acts that provide for any limitation of the amount that must be turned over for exploitation by oil men every year should be stricken out, so as to leave it entirely discretionary with the Secretary of the Interior to lease or not lease every year. That protects the rights of the Indians.

Mr. HOWARD of Oklahoma. Would the gentleman like to leave the Osage Indians at the mercy of some board that would say that they would not lease any of these lands to-day.

Mr. FREAR. In everything concerning the Indians to-day we turn over the management of all of their property and every interest to the Secretary of the Interior, and I presume that he would protect them in Oklahoma, just as he does in every other State.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" be, and the same is hereby, amended to read as follows:

"The bona fide owner, lessee, or occupant of the surface of lands in the Osage Nation in Oklahoma shall be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for damages to crops and improvements occasioned by the oil and gas lessees, their servants, or agents in going upon such premises and in carrying on oil or gas mining operations. Such surface owner, lessee, or occupant shall also be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for such other damages, including those arising out of pollution of ponds or streams and out of injuries to the surface of lands as are caused by the negligence of the oil or gas lessees, their servants, or agents in developing or operating oil or gas properties in said Osage Nation. The word 'negligence' as used in this act shall mean 'negligence' as defined and construed by the courts of the State of Oklahoma. All claims for damages arising under this section shall be settled by arbitration; but either party shall have the right to appeal to the courts, without consent of the Secretary of the Interior, in the event he is dissatisfied with the award to or against him. The award shall be in writing and shall be filed in the office of the superintendent of the Osage Indian Agency within 10 days after it is made, and thereupon the said superintendent shall give the parties written notice thereof by personal service or registered mail. Unless appealed from within 60 days after service or mailing of said notice, the award shall become final. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify, or set aside the award; and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration or a bona fide offer in writing to arbitrate shall constitute conditions precedent to the right to sue for such damages."

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 4, line 12, after the word "follows," strike out all down to and including the word "damages" in line 24 on page 5, and insert in lieu thereof the following:

"The bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil and gas mining purposes, or out of damages to the land or crops thereon occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him. All claims for damages arising under this section shall be settled by arbitration under the rules and regulations to be prescribed by the Secretary of the Interior; but either party shall have the right to appeal to the courts without the consent of the Secretary of the Interior in the event he is dissatisfied with the award to or against him. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County to enlarge, modify, or set aside the award, and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration, or a bona fide offer in writing to arbitrate, shall constitute conditions precedent to the right to sue for such damage: *Provided*, That nothing herein contained shall preclude the institution of any such suit in a Federal court having jurisdiction thereof, or the removal to such court of any such suit brought in the State court, which under Federal law may be removed to the Federal court."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word and would ask unanimous consent to speak out of order for six minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak out of order for six minutes. Is there objection?

Mr. BANKHEAD. What is it the gentleman is going to discuss?

Mr. SCHAFER. The prohibition question.

Mr. HUDSON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SCHAFER. Mr. Speaker, I believe since the House has so much business to transact we had better have a quorum.

The SPEAKER pro tempore. Does the gentleman make the point of order?

Mr. SCHAFER. I will withdraw it, as the chairman of the committee informs me he has a lot of business to transact.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *Provided*, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund, and shall issue to such Indian a certificate of competency: *Provided further*, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessities of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessities of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians by the Secretary of the Interior for any other purpose without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians, upon such meritorious claims for necessities of life against which claims the statute of limitations of Oklahoma has not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the statute of limitations of Oklahoma has not run: *Provided further*, That the Secretary of the

Interior shall by or before the end of five years from the date of the approval of this act pay to each restricted Osage Indian of less than half Osage blood, who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian: *Provided further*, That the Secretary of the Interior shall, in his discretion, pay any present existing meritorious debts and obligations of any restricted Osage Indian, against which debts and claims the statute of limitations of Oklahoma has not run, out of any moneys appearing to the credit of such Osage Indian in the tribal trust fund: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.

Mr. CRAMTON. Mr. Speaker, in reference to section 3 I desire to make a point of order, on page 6 of the bill, to the proviso beginning in line 18 and continuing through the balance of that page and down to the end of the proviso in line 15 on page 7. The language to which I take exception is as follows:

Provided further, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessities of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessities of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians by the Secretary of the Interior for any other purpose without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians upon such meritorious claims for necessities of life against which claims the statute of limitations of Oklahoma has not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the statute of limitations of Oklahoma has not run.

Mr. Speaker, the bill before us is a Senate bill which, as referred to the Committee on Indian Affairs, carried only the language carried on pages 1 and 2 of the bill. All that bill referred to the committee covered is set forth in lines 1 to 8 on page 2, where it is provided that the Secretary of the Interior may reduce the area of land to be offered annually for lease. That is the only subject covered by the bill referred to the committee. The proviso in the committee amendment to which I have made the point of order has to do with an entirely different matter, a matter of making in fact a collection agency of the Government to force the Indians to pay their accounts for certain necessities of life under certain conditions. I make the point of order that this is not germane to the bill referred to the committee. I could have made, of course, the point of order against the entire committee amendment, and because of this defect it would seem the entire committee amendment would have been subject to the point of order. But I have not desired to do that. I am just making the point of order at this time with reference to the language I have indicated.

Mr. LEAVITT. Mr. Speaker, the committee, of course, has on the calendar a House bill identical with this Senate bill. We placed the wording of the House bill following the title of the Senate bill only to expedite consideration. I will ask a parliamentary question at this point. The sections which have been already read would not be subject to this point of order even though it would lie against this matter now under consideration.

The SPEAKER pro tempore. Thus far the House has acted upon amendments only to the committee amendment. The committee amendment as amended has not yet been adopted. By a unanimous-consent agreement entered into the committee amendment to the Senate bill is being read by sections, but it is in fact one entire amendment and has not yet been acted upon except that certain amendments have been made to it. It would seem to the Chair that the amendment to the Senate bill having been read and consideration having been begun, the time for making a point of order on the amendment is past.

Mr. CRAMTON. No, Mr. Speaker; because in my request for unanimous consent I specifically asked that it be in order to make points of order as each section was reached.

The SPEAKER pro tempore. The present occupant of the chair, not being in the chair at the time, did not know that the gentleman had reserved points of order. His statement, of course, changes matters very materially.

Mr. SPROUL of Kansas. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. SPROUL of Kansas. Mr. Speaker, I do not think the point of order made by the gentleman from Michigan is well founded in law. It is predicated on the theory, I take it, that the money of the Indians which is due under the law and payable to them quarterly is privately owned money, beyond the power of the Government to have anything to do with, further than to pay it out to the Indians.

I think this is an error. I now desire to call the attention of the Speaker to the fact that the Congress in this same bill extended the exemption from taxation and from execution and from other court proceedings to the homesteads of the very Indians to whom this money is due and payable. If the Government has such jurisdiction and control over the property of an Indian, whether he be restricted or emancipated, then it would seem that it could exercise sufficient control over the money that it has had and even yet does have under its control to the extent that it could subject it to an obligation to pay for the necessities of life of the owner. In other words, Mr. Speaker, if the Congress has such jurisdiction over the property of the Indians that it can say to the State and to the county with reference to taxes and to all the public, "This property shall be exempt from taxation and shall be exempt from application upon the payment of the debt of the emancipated Indian"; if it can say that one part of the Indian's property is exempt from taxation, it can also say that another part of the property belonging to the Indians shall not be exempt from the payment of debt for the necessities of life. You can not play fast to the Indians with reference to one class of property and certain obligations and loose with reference to other property and obligations. I wish to say further that as a matter of policy it is the duty of the Government in qualifying the Indians for citizenship to say that they pay their debts for the necessities of life.

Mr. SCHAFER. A point of order, Mr. Speaker. The gentleman is not arguing on the point of order. He is making a speech.

Mr. SPROUL of Kansas. I will admit that the last statement was of the nature of a speech. But the other part of my statement was 100 per cent pertinent.

Mr. GREEN. Mr. Speaker, we have been talking almost all day without a quorum. Does the gentleman desire a quorum to be present?

Mr. SPROUL of Kansas. My remarks were directed to the chairman. I presented what I consider the reasons why Congress has such jurisdiction and such control over the property of the Indians as to enable it to say the Indians' money shall be applied to the payments of Indian-made debts for necessities of life.

As to these quarterly payments of \$1,000, the courts of this Government have held that this \$1,000 quarterly and the interest in the tribal funds are not assets of the Indians which can be applied by the courts to the payment of his debts. If that is true, it is under the control of the Government to such an extent that it may say it shall be subject to application upon his debts for the necessities of life. That is all I care to say on that point.

Mr. CRAMTON. I will say to the gentleman from Kansas, Mr. Speaker, that my point of order does not involve at all the authority that the Government may have over the disposition of these funds. That question is not involved, or the merits of the language. The point of order simply is that this language is not in order on this bill, not being germane to the bill that was referred to this committee. The committee, as a matter of fact, had before it a bill to amend section 1 of an act of 1921. This is proposed as an amendment to section 1 of an act of 1925, a separate act entirely.

The SPEAKER pro tempore. The Chair is ready to rule. The Chair understands that the entire subject matter contained in this bill is clearly under the jurisdiction of the Committee on Indian Affairs. If the committee had chosen to bring in a bill covering the subject matter of this section 3, it would have been within the jurisdiction of the committee, and the bill would not have been subject to a point of order. Instead of doing this, however, the committee chose, in order to expedite the passage of the bill, as indicated by the chairman of the committee, to take a Senate bill, quite limited in its scope, and amend it by striking out all after the enacting clause and adding other subject matter which, as it seems to the Chair, is entirely outside of and beyond anything contained in the Senate bill. It is clear to the Chair that if the Committee on Indian Affairs had reported out the Senate bill just as it came from the Senate and section 3 of the committee amendment had been offered from the floor as an amendment, it would be subject to a point of order as not germane. If this be true, then it is

subject to a point here because the Committee on Indian Affairs in this instance has no greater right than an individual Member has on the floor of the House. Therefore the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, I make the further point of order that the proviso, beginning on line 23 of page 7, and continuing down to part of line 3 on page 8, relating to similar subjects, is likewise not germane to the original bill.

The SPEAKER pro tempore. The Chair makes the same ruling as before in regard to the other matter objected to by the gentleman from Michigan, and this language goes out of the bill.

Mr. HASTINGS. I did not catch the citation, where the language begins.

Mr. CRAMTON. Line 23.

Mr. HASTINGS. The first point of order?

Mr. CRAMTON. Line 18.

Mr. WILLIAMSON. Mr. Speaker, I move to amend on page 6, line 11, by inserting the word "one" and a hyphen before the word "half," so as to make it read "one-half Osage blood" and thus conform to the language throughout the bill.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 6, line 11, after the word "than," insert the word "one" and a hyphen.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Speaker, I offer another amendment. On page 7, line 18, after the word "than," insert the word "one" and a hyphen.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 7, line 18, after the word "than," insert the word "one" and a hyphen.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 6, line 12, after the word "proportionate," strike out the words "trust-fund credit" and insert in lieu thereof the words "share of accumulated funds."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 6, line 16, after the word "credit," strike out the words "in the Osage tribal trust fund" and insert in lieu thereof the words "of accumulated funds."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer another perfecting amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 7, line 16, after the word "shall," strike out the word "by" and insert in lieu thereof the word "on."

Mr. ARENTZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARENTZ. If the Senate bill is limited in its scope and the Indian Affairs Committee of the House has proceeded upon the theory that the Senate bill did not cover the subject matter as far as the House committee thought it should, did the Chair render a decision as to the germaneness of the entire subject matter of the House amendment, or just as to a particular portion of it?

The SPEAKER pro tempore. The Chair ruled only as to such matter as was specifically objected to or against which a point of order was specifically made, and that is all. The question is on agreeing to the amendment offered by the gentleman from Montana.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend the section by striking out all of the section beginning with the proviso in line 9, on page 6, and continuing through to page 7.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 6, line 9, after the word "Indian" and beginning with the word "Provided," strike out the remainder of the page and all of page 7 down to and including the word "Indian" in line 23.

Mr. CRAMTON. Mr. Speaker, this section as drafted was the section to which I called attention on last Calendar Wednesday as having conflicting provisions. On page 6 is a provision requiring the secretary, on or before 10 years, to turn over to certain Indians all of their funds, and on page 7 is a very similar provision but with a 5-year limitation. Personally, I do not believe that as to these Indians who do not have a certificate of competency the secretary should be required to turn all of their money over to them at any stated time, either in 5 years or 10 years. It seems to me the secretary should have a discretion; that he should be permitted to turn a part of it over to them and let them use it in trying out their business ventures, and, if they make good, perhaps turn over some more to them, but to require the secretary to turn over all of their money in either 5 years or 10 years has seemed to me highly undesirable. So the section will read this way if this amendment prevails. I want to be sure the Members fully understand the amendment. Certain parts of section 3 have gone out on a point of order; this motion takes out other portions and would leave the section reading this way:

SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian."

Then there remains on page 8:

And provided further, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.

Mr. BANKHEAD. I will ask the gentleman if the words contained in the first three lines on page 8 have been stricken out?

Mr. CRAMTON. Yes; they went out on a point of order.

Mr. HOWARD of Oklahoma. May I ask the gentleman if he will accept an amendment to the amendment?

Mr. CRAMTON. I will be glad to consider it.

Mr. HOWARD of Oklahoma. In the present bill, in line 23, after the word "Indian," as I understood the gentleman's motion, it was to strike out all down to the word "Indian."

Mr. CRAMTON. The last three lines of page 7 and the first three lines of page 8 went out on a point of order.

Mr. HOWARD of Oklahoma. The amendment I wanted to offer provided for the payment of the debts of the restricted Indians and I suppose the gentleman would raise a point of order against that.

Mr. CRAMTON. That is not in the bill.

I understand, while there has been some difference of opinion about the other matters, the amendment I now offer is generally agreeable.

Mr. HOWARD of Oklahoma. I do not understand so.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SPROUL of Kansas. Just what is the amendment that the gentleman wants to make—to strike out the five years?

Mr. CRAMTON. Yes; it would leave lines 4 to 9, on page 6. That is what would remain, and that contains no requirement that the Secretary make any advance to them but makes it possible for him to turn over to them as much as he thinks wise.

Mr. SPROUL of Kansas. I have no objection to that but I understood the gentleman to say that no limitation should be made in the bill with reference to the time at which less than half-blood Indians should be emancipated.

Mr. CRAMTON. This does not apply to the amount of blood, but does apply to those who do not have certificates of competency. It did not seem to me wise that for those who do not have certificates of competency there should be a requirement here for the Secretary to turn their money over to them in 5 years or 10 years. I believe it should be left to the discretion of the Secretary.

Mr. SPROUL of Kansas. I would say to the gentleman and to the Members of the House that within the past six years the Secretary of the Interior has been removing the restrictions on the less than half bloods at a more rapid rate than he would remove them during the next 5 or 10 years, so that this provi-

sion of the bill would not require him to remove their restrictions at a more rapid rate than he has in the past.

Mr. CRAMTON. The bill as reported to the committee, as I understand it, was not addressed at all to the idea of changing the rate of removing restrictions, but did provide, as reported, that without the restrictions removed and without any certificate of competency being granted, that still within the stated period the money should be turned over to them.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SPROUL of Kansas. Mr. Speaker, I rise in opposition to the amendment.

The amendments agreed to before the Committee on Indian Affairs were to the effect that all Indians of less than half blood should be given their emancipation by the time they arrive at 30 years of age, and those who are now 25 years of age should receive one-fifth of their money per year during the remaining five years within which they might be kept under restrictions. So that during this time they might have the supervision of the Osage agent with reference to the investment and care—

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. I am advised by the superintendent of the Osage agency that there only six Osages who are over 30 who have less than half blood that have any money to worry about. I do not remember the details, but of the six only three of them are pronouncedly incompetent, as I recall. There are only six Indians involved of the age of over 30 of less than half blood who have large amounts of money.

Mr. SPROUL of Kansas. Another purpose in fixing the limitation of 30 years within which all of the less than half bloods are to be given their freedom is that there are three less than half bloods who have large amounts of money to their credit who positively refuse to accept emancipation papers, and the Government is required to continue to care for their money and handle it for them, when everyone who knows them knows they are well qualified to look after their own money themselves, individually. It is their idea that the Government is better qualified than they are, although everybody else, even the agent and the Secretary of the Interior, knows that they are qualified for independent citizenship.

So this bill is intended to free the Government of further guardianship over the 30-year-old white Indians, those that have a majority of white blood and a very small percentage of Indian blood. The purpose of the bill is surely commendable, because it is not only the duty of the Government, in our judgment, to give these Indians their independence at the earliest possible date they are qualified to receive it but the Government ought to rid itself of the guardianship burden as soon as it may justly and equitably do so with respect to the Indian.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being an act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law shall be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided*, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half degree of Osage Indian blood, or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided*, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such adminis-

trator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law.

Mr. LEAVITT. Mr. Speaker, I offer the following perfecting amendment:

The Clerk read as follows:

Page 8, line 18, strike out the word "shall" and insert the word "may."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. I offer the following further amendment.

The Clerk read as follows:

Page 8, line 19, after the "comma," insert the words "or may be retained by the Secretary of the Interior."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply only to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood, except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs.

Mr. CRAMTON. Mr. Speaker, I make a point of order against the language on page 10, line 3, beginning with the word "except" and continuing down through to the end of that proviso in the middle of line 14. The language to which I make the point of order reads as follows:

except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency.

I make the point of order for the same reasons involved in the point of order I made to the part of section 3, that it is not germane to the bill referred to the committee.

The SPEAKER. It seems to the Chair that this language is not mentioned in the Senate bill and therefore clearly is not germane, and the Chair sustains the point of order, and the language will be stricken from the committee amendment.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 9, line 35, after the word "apply," strike out the word "only."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, line 1, after the word "Indians" strike out the words "of one-half or more Osage Indian blood."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the further amendment.

The Clerk read as follows:

Page 10, line 3, after the word "heirs," strike out the words "one-half or more."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the reading of section 6 be dispensed with. I intend to offer an amendment to strike that section from the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, line 20, strike out all of section 6.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 7. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1926, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1928, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief by death, resignation, or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959."

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 12, line 22, after the abbreviated word "sec.," strike out the figure "7" and insert in lieu thereof the figure "6."

The amendment was agreed to.

Mr. LEAVITT. Also the following amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 13, line 4, after the word "year," strike out "1926" and insert "1928."

The amendment was agreed to.

Mr. LEAVITT. Also the following amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 13, line 6, after the word "June," strike out "1928" and insert in lieu thereof "1930."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 13, line 12, after the word "chief," insert "or other such officer."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Amend the title so as to read: "A bill relating to the tribal and individual affairs of the Osage Indians of Oklahoma."

The SPEAKER. The Chair suggests that this, being an amendment to the title, should come after the bill is passed.

Mr. SCHAFER. Mr. Speaker, I move to strike out section 7. I would like to obtain some information from the chairman of the committee. This section amends an act of Congress and I want to find out what changes are made in existing law.

Mr. LEAVITT. The only changes made are in the dates, that is, of any moment. The amendment offered by the gentleman from Michigan [Mr. CRAMTON] inserts the words "or other such officer" after the word "chief."

Mr. SCHAFER. Under existing law can the Secretary of the Interior arbitrarily bring charges against one of these officers elected by the rank and file of the Indians, try the case, and remove him from office?

Mr. LEAVITT. Yes. This does not change that at all.

Mr. SCHAFER. Has that officer an appeal to the tribe or to any court, or is a decision of the Secretary of the Interior final?

Mr. LEAVITT. Of course final action in matters of this kind are left by the Congress with the Secretary of the Interior. This does not change that situation in any way. This is one of the principal sections of the bill brought by the Osage Council, in which they especially urged that these changes be made in these dates, so that they can carry on their business with sanction of law through the election of these new officers.

Mr. SCHAFER. If this amendment as embodied in section 7 be stricken from the bill, then they can not elect these officers?

Mr. LEAVITT. They want the sanction of the law. Of course, they can elect them, but they want the sanction of the law so that no question can be raised as to their powers.

Mr. SCHAFER. This section appears on its face to carry the impression that the Indians have something to say about who shall be their officers, while in fact in the final analysis they do not.

Mr. LEAVITT. The only effect of the amendment of the gentleman from Wisconsin, if this section should be stricken from the bill, would be to leave the law as it is now with that provision in it, without these changes in the dates or to bring this authority for the election of tribal officers up to date, and it would not affect that other matter in any way.

Mr. SCHAFER. Do the Indians desire that the Secretary of the Interior continue, in the future as in the past, to be able to bring charges, try the case, and remove an officer duly elected by the rank and file of the Indians?

Mr. LEAVITT. They evidently consider that a matter of their own protection and of their own business, and they bring this section as it is to the committee and to the Congress with the request particularly that it be enacted.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to withdraw my amendment, since the Indians want this to go on.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill relating to the tribal and individual affairs of the Osage Indians of Oklahoma."

SURVEY OF CERTAIN LANDS IN NEW MEXICO

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16555, which is on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole; and pending the putting of that request I wish to state because of the lateness of the hour the controversial trust fund bill, which we intended to bring up this afternoon, will not be called up. I am satisfied that with this in the Record, when it is considered fully by the Members of the House until they fully understand it, there will be no general objection to it. It is intended solely for the benefit and protection of the Indians.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. LEAVITT. I will.

Mr. SCHAFER. Does the gentleman think if Mr. John Collier, who appears to speak for the Indians on any matter submitted to Congress, reads the CONGRESSIONAL RECORD he will reach the decision that the bill ought to be passed?

Mr. LEAVITT. I would hardly be able to guess what may come to that gentleman's mind on any subject.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16555) to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the State of the Union. Is there objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16555) to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a survey to be made of the land claimed and held by the Zuni Pueblo Indians in New Mexico as their grant under section 8 of the act of July 22, 1854 (10 Stat. 308-309), and the boundaries thereof identified: *Provided*, That upon completion of the required survey, and acceptance thereof, he shall cause to be issued to the Zuni Indians a patent covering the land surveyed, of the same form heretofore issued for other Pueblo Indian grants in New Mexico.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF CERTAIN LANDS IN TEXAS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16527 and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16527) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests

Be it enacted, etc., That in purchasing land for the Alabama and Coushatta Indians of Texas, as authorized by the act of May 29, 1928 (45 Stat. 883-900), the Secretary of the Interior is hereby authorized, in his discretion, to accept title thereto subject to the reservation of timber and mineral interests: *Provided*, That a good and sufficient title is otherwise found to be in the grantors.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

Mr. LEAVITT. Mr. Speaker, I yield for the purpose of the gentleman offering an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the words "reservations of timber and mineral interests" and insert in lieu thereof the words "to mineral interests and to existing contracts for sale of timber."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AGENCY SALARIES, INDIAN SERVICE

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16568 and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16568) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service

Be it enacted, etc., That the provision in the act of August 24, 1912 (37 Stat. L. 521; U. S. C. title 25, p. 692, sec. 58), imposing a limitation of \$15,000 on the amount which may be paid for salaries at any one Indian agency and \$20,000 at a consolidated agency, be, and the same is hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT OF INTEREST ON CERTAIN INDIAN FUNDS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5180, on the Union Calendar, and ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. 5180, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all money in excess of \$500 held by the United States in a trust fund account, and carried on the books of the Treasury Department to the credit of an Indian tribe, if the payment of interest thereon is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum from the date of the passage of this act. The amount held in any such trust fund account, which in the judgment of the Secretary of the Interior may not be required for payment in accordance with law, shall be covered into the surplus fund of the Treasury; but so much thereof as may be necessary for making any such payment may, at any time thereafter, be restored to such account without reappropriation by Congress.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

INDIANS OF THE SAN ILDEFONSO PUEBLO

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5146, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the vacant, unappropriated, and undisposed of lands within the unsurveyed area in township 19 north, range 7 east, New Mexico principal meridian, New Mexico, identified as a narrow strip, a little more than 1½ miles wide and 4 miles long, running north and south, lying between the western boundary of the San Ildefonso Pueblo grant on the east and the eastern boundary of a portion of the Santa Fe National Forest on the west, be, and they are hereby, reserved for the sole use and benefit of the Indians of the San Ildefonso Pueblo: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to July 27, 1928, the date of withdrawal of the lands from all forms of entry, shall not be affected by this act.

The bill was ordered to be read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

KANOSH BAND OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5147, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. 5147, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That 920 acres of land described as the east half west half, west half southwest quarter section 1; east half southwest quarter section 10; northeast quarter section 11; southeast quarter northwest quarter section 12; southwest quarter section 23; each half east half, west half southwest quarter section 27; all in township 23 south, range 5 west, Salt Lake meridian, Utah, be, and the same is hereby, reserved for the sole use and occupancy of the Kanosh Band of Indians in Utah: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to October 27, 1928, the date of withdrawal of lands, from all form of entry, shall not be affected by this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF INDIANS IN UTAH, COLORADO, AND NEW MEXICO

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 2482 and ask unanimous consent that it be considered in the House as in Committee of the Whole. It is on the Union Calendar.

The SPEAKER. The gentleman from Montana calls up the bill S. 2482, which the Clerk will report.

Mr. BLACK of Texas. I hope the gentleman will not call up this bill. There is an adverse report against this bill both from the Budget Bureau and from the Secretary of the Interior. I think we ought to have a quorum before we consider this bill.

Mr. CRAMTON. Will it make any difference to the gentleman if I offer an amendment such as is placed on other bills of this character, providing that the judgment shall not be subject to per capita payments and only be subject to appropriations for education and the purchase of land and for the building and improvement of homes, and so forth?

I am satisfied from the examination that I have made of it that the bill is on a parity with other bills that have been passed heretofore and possibly is in a better position. They once had the authority which is now sought, but that has expired. The new bill does not involve the Government in

the same dangerous responsibility as there would be otherwise, if my amendment is accepted.

Mr. BLACK of Texas. I have given some thought and some consideration to these bills, to send the Indians to the Court of Claims. It seems they are never finished. I think the reason for that is the fact that lawyers are deliberately working up these claims for no other purpose.

I see from a rather hurried reading of the report that these Indians have already been before the Court of Claims, and the judgment rendered was supposed to adjudicate every right that they had, and they secured, if I remember correctly, something over \$3,000,000.

Mr. WILLIAMSON. That court adjudicated all the rights of the Confederated Ute Tribe up until the year 1911. Since that time the court has taken away from the White River Ute Indians in Utah 1,010,000 acres of land. Included in that area is about 2,000 acres of coal land.

Mr. BLACK of Texas. Was that done by the court?

Mr. WILLIAMSON. No; by order of the President. All of this has occurred since 1911.

Mr. COLTON. If the gentleman will yield for a word further—

Mr. BLACK of Texas. Certainly—

Mr. COLTON. With reference to the claims of the Uintah and White River and Uncompahgre Indians, that claim has never been adjudicated. A little over a million acres were taken from the reservation and included in a forest reserve.

Mr. BLACK of Texas. I have not had time to examine this bill in minute detail. Does it contain a provision that in no case shall the attorney's fee exceed 10 per cent?

Mr. COLTON. It does.

Mr. LEAVITT. I will say to the gentleman from Texas that that is very fully protected.

Mr. BLACK of Texas. If it is agreed that the amendment suggested by the gentleman from Michigan [Mr. CRAMTON] shall be embodied in the bill, I shall not object.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, will there be a limitation on the amount of the attorney's fee in this bill?

Mr. COLTON. There is one.

Mr. SCHAFER. How much is it?

Mr. LEAVITT. That it shall not be to exceed 10 per cent.

Mr. SCHAFER. Is it drawn good and tight so it will be effective?

Mr. LEAVITT. It surely is.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That to carry into effect the provisions of the act of Congress of May 27, 1902, relating to the lands in the former Uintah Indian Reservation in the State of Utah, occupied by the Uintah and White River Tribes or Bands of Ute Indians, and ceded by them to the United States, and to secure also a final adjudication of all claims of whatsoever nature which the said White River and Uintah Bands or Tribes and the Uncompahgre and Southern Ute Bands or Tribes of Ute Indians residing in Utah, New Mexico, and Colorado, may have or claim to have against the United States, jurisdiction is hereby conferred on the Court of Claims, notwithstanding lapse of time or statutes of limitation, to hear and determine and render final judgment, with right of appeal as in other cases, on the claims and rights, whether legal or equitable, of each and all of said tribes or bands of Ute Indians, including any claim or claims arising under any act of Congress, or any treaty or Executive order, with jurisdiction on the part of said court to determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public land laws of the United States, as provided by said agreement or other agreement or treaty, and by acts of Congress, including claims arising out of water rights, irrigation, and rights in mineral and in other lands, and to find and adjudge the amount of money due therefor; and the court shall set off against any sum found due said Ute Indians, or any of the above-named tribes or bands thereof, any sum or sums that shall be properly chargeable against said Ute Indians, or any tribe or band thereof, except such sums as have been paid for a specific purpose and an adequate consideration: *Provided*, That such set-offs shall also include all gratuities to said Indians from the United States.

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within five years after the approval of this act by the attorney or attorneys employed by the said Indians under contract as required by section 2103 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claim or claims for recovery are based and shall be signed by the attorney or attorneys employed and no other verification shall be necessary: *Pro-*

vided, That in case two or more tribes or bands are joined as plaintiffs in any suit authorized by this act, the court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

The compensation to be paid the attorney or attorneys of record shall be fixed by the Secretary of the Interior on a quantum meruit for the services rendered, not to be in excess of the amounts stipulated in the contract or contracts of employment or in excess of a sum equal to 10 per cent of the amounts recovered against the United States, together with all necessary and proper expenses incurred in the preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment or judgments: *Provided*, That if the Secretary of the Interior shall find that any attorney or attorneys rendered any services to the Uintah and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, he shall fix such compensation on the quantum meruit basis, to be paid to said attorney or attorneys as in his opinion is reasonable, and the same shall also be paid by the Secretary of the Treasury as herein provided.

All amounts which may be found due and recovered for under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the proper tribe or band and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Ute Bands of Indians to such treaties, papers, correspondence, or records as may be required in the prosecution of any suit or suits instituted under this act.

The Court of Claims shall have full authority by proper process and orders to bring in and make parties to any such suit or suits any other bands or tribes of Indians deemed by it necessary or proper to the final determination of the controversy.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the acts of Congress of May 27, 1902 (32 Stat. 263), and March 3, 1905 (33 Stat. 1069), or arising under or growing out of any subsequent act of Congress or Executive order or arising under any treaty or agreement which said Uintah, Uncompahgre, and White River Bands of Ute Indians in Utah and Colorado may have against the United States, or arising under or growing out of the act of February 20, 1895 (28 Stat. 677), and subsequent acts of Congress and proclamations of the President relating thereto, setting apart as a separate reservation for the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico a tract of approximately 1,056,000 acres of land, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public land laws of the United States: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of \$15 per acre. The court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

"Sec. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within two years from the approval of this act; and such suit or suits shall make the Uintah, Uncompahgre, and White River Bands of the Ute Indians parties plaintiff and the United States party defendant. A separate petition shall be filed on behalf of the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, which petition shall make said Indians parties plaintiff and the United States party defendant: *Provided*, That the Uintah, Uncompahgre, and White River Bands of the Ute Indians may be joined should this be necessary to adjudicate any rights which they may have in the matter sought to be litigated. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians approved in accordance with existing law and shall set forth all the facts on which the claims for recovery are based. A copy of the petition or petitions in such suit or suits shall be served upon the Attorney General of the United States, and he, or some

attorney from the Department of Justice to be designated by him as heretofore directed, shall appear and defend the interests of the United States.

"SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Uintah, Uncompahgre, and White River Bands of the Ute Indians and the Southern Ute and the Ute Mountain Bands of Ute Indians, but any payment, including gratuities which the United States may have made to said Indians, shall not operate as an estoppel but may be pleaded as an offset in such suit.

"SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

"SEC. 5. The Court of Claims shall have full authority by proper order and process to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall determine and render separate judgment for any amount found due to the Confederate Bands of Ute Indians under the terms of the jurisdictional act approved March 3, 1909 (35 Stat. 788).

"SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, based upon actual services rendered, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes or bands: *Provided*, That said court shall enter a separate judgment under the provisions and limitations above set out for the attorney or attorneys representing the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, based upon the amount of recovery for said Indians, which recovery shall also be entered as a separate judgment: *Provided further*, That if the Court of Claims shall find that any attorney or attorneys rendered any services to the Uintah, Uncompahgre, and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, the court shall fix such compensation on the quantum meruit basis as to it shall seem reasonable, to be paid out of any sum found to be due such tribes. The total sum of attorneys' fees in no event shall exceed the limitation herein provided.

"SEC. 7. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 10, line 4, strike out the period and insert: "and shall be thereafter subject to appropriation by Congress for educational, health, and industrial, and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

Mr. SPROUL of Kansas. Mr. Speaker, I make a point of order against the amendment. My point of order is that the amendment is not germane to the general subject of the bill and that it anticipates appropriate consideration and action upon it by the Committee on Indian Affairs. The amendment is not germane to the purpose of the bill, the purpose of the bill being to authorize the presentation of claims to the Court of Claims and securing a judgment. This amendment has to do with the character of the uses to which any judgment that may be obtained in favor of the Indians might be applied.

Mr. CRAMTON. Mr. Speaker, the bill is one that has to do with the sending to the Court of Claims of certain unadjudicated controversies. Section 7 provides what shall become of the proceeds of any judgments which may be rendered. Section 7 of the committee amendment reads:

The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the

United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

The section deals with the disposition of the proceeds of any judgment recovered and the amendment continues that sentence by saying that they shall be subject to appropriation for certain limited purposes. It is germane to the section of the bill and germane to the bill.

Furthermore, as the gentleman from Kansas knows, the bill secured consideration this afternoon because the gentleman from Texas was assured that such an amendment as I have presented would be accepted.

The SPEAKER. The Chair is ready to rule, although he has not had much opportunity to examine this question.

The gentleman from Kansas makes the point of order that the amendment offered by the gentleman from Michigan is not germane to this section.

So far as the Chair can see all this section does is to provide that the proceeds of all amounts recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians and shall draw interest at the rate of 4 per cent.

The amendment of the gentleman from Michigan [Mr. CRAMTON], it seems to the Chair, goes a good deal further than this and changes entirely the situation as to this fund. The amendment provides that it shall thereafter be subject to appropriation for various purposes, educational, health, industrial, and other purposes, including the purchase of land, and so forth.

It seems to the Chair this is going much further and bringing in entirely different subjects for which the fund may be used and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the bill insert a new section to be known as section 7, and to read as follows:

"Such proceeds shall be thereafter subject to appropriation by Congress for educational, health, and industrial and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

Mr. SPROUL of Kansas. Mr. Speaker, I make the point of order against the amendment that it is not germane to the subject matter of the bill, and it anticipates the work of the Committee on Indian Affairs, which was created to consider questions of this character. For the two reasons it is our contention that the point of order should be sustained.

Mr. CRAMTON. Mr. Speaker, the amendment now offered is offered at the proper place in the bill if it is in order upon the bill at all.

We are passing a bill to authorize these Indians to go to the Court of Claims. The Congress has jurisdiction entirely as to the disposition of judgments that may be rendered in favor of these Indians and the disposition of the money. It is, of course, tied right up with the question of whether we will grant jurisdiction as to the use that will be made of the money, and this was apparent from the fact that both the gentleman from Texas and myself were prepared to object to the consideration of the bill except upon the assurance that this amendment would be accepted by the committee.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LEAVITT. Mr. Speaker, the committee is in a rather embarrassing situation. I did agree to the amendment as chairman of the committee, or agree that it would not be opposed by myself, at least; and my recollection is that in the Indian Affairs Committee I raised this same question myself in connection with the bill and that it was then the action of the committee that the Cramton amendment should be written into the bill. There is a misunderstanding about this, however, with Judge WILLIAMSON, the chairman of the subcommittee, who was handling it. He does not recall any such action. The parliamentary situation here is that the bill was allowed to be considered in the House as in Committee of the Whole only on this agreement, and if anyone intended to make any objection, I think it should have been made at that time.

Mr. BANKHEAD. Mr. Speaker, I hardly think that statements of this character are pertinent to the matter before the Chair. The question here is the point of order.

The SPEAKER. The Chair will ask, if he may be so indulged, whether the words "such proceeds" refer to proceeds collected under the provisions of this bill?

Mr. CRAMTON. Certainly. It follows the section that discusses these proceeds and then provides this further provision.

Mr. WILLIAMSON. If the gentleman will yield before the ruling of the Speaker, I want to call the attention of the Chair to the fact that this fund referred to here is, of course, a fund which will be realized from the judgment entered in this case, if any, and will be placed in the general funds of the Treasury to the credit of these Indians. Under existing law the Congress has the right to appropriate these funds without further legislation for the purpose of the education and the civilization and the general uses and necessities of the tribe, and it does not seem to me the amendment which the gentleman from Michigan has offered is barred for lack of germaneness. It certainly is germane to the bill and the existing law now in force. It is in the nature of a limitation.

Mr. SPROUL of Kansas. Mr. Chairman, I desire to be heard further just a moment.

The gentleman from South Dakota [Mr. WILLIAMSON] has suggested that any judgment which might be obtained in the proceedings to be authorized by this bill would be subject to be appropriated without further action on the part of the House. This I deny, under existing law. Authorization must be made for its use for special purposes by the Committee on Appropriations. I understand we have been acting on the theory that the Snyder Act constitutes such an authorization, but a close examination of that act discloses that it is not an authorization of one penny of appropriation under the law of the land and in view of the strict, or even a liberal, construction of the provisions of the act discloses that it is not an authorization act.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. WILLIAMSON. The gentleman knows, of course, that it has been the practice of the Committee on Appropriations to appropriate, under the Snyder Act, for all the purposes which I mentioned a moment ago.

Mr. SPROUL of Kansas. I know that has been done, but it has been done erroneously.

Mr. WILLIAMSON. I do not think there is any question but what the language of that act is broad enough to enable the Congress to appropriate funds without any further legislation whatever, for the purpose of the civilization, the education, and the general necessities of the tribe.

Mr. BANKHEAD. Mr. Speaker, may I be heard a moment?

The SPEAKER. The Chair will be pleased to hear the gentleman.

Mr. BANKHEAD. I have no interest, of course, in this legislation, but I do have an interest in preserving the integrity of the rulings of the Chair as applied to parliamentary law. It seems to me in all candor that there is no substantial difference between the last amendment offered by the gentleman from Michigan and the prior one which the Chair held out of order, and the Chair very properly predicated his ruling on the fact that the original bill was simply to effectuate one purpose, and that was to give these people the right to file their claims. That is the substance and essence of the bill. The gentleman now introduces a proposed amendment which has for its purpose, as I see it, exactly the same things that were covered or contemplated by the original amendment; there may have been some slight change in the phraseology, but the substance of it is the same as the original amendment.

Mr. COLTON. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. COLTON. I understand the first point of order was raised against the amendment because it was an amendment to a section, and this as it stands now introduces a new section providing for the disposition of the funds that may be realized after this is referred to the Court of Claims?

Mr. BANKHEAD. I think that is a distinction that would not have much weight with the Chair, because the Chair is looking at the substance, rather than the legislative position. In view of the circumstances, I think the bill should be recommitted to the committee to fight the question out. I do not want to assume the burden of making the motion.

Mr. LEAVITT. I was about to suggest that course when the gentleman from Alabama took me off my feet. I had agreed with the gentleman from Texas [Mr. BLACK] and the gentleman from Michigan [Mr. CRAMTON] that this amendment was not objectionable and we came before the House with that kind of an agreement. Of course, the chairman of the committee can not break faith with the House.

Mr. BANKHEAD. If the gentleman from Michigan will withdraw his amendment to save a ruling upon it, I will make the motion to have the bill recommitted to the committee.

Mr. CRAMTON. I am perfectly willing to accept such ruling as the Chair may make.

Mr. GARRETT of Tennessee. Mr. Speaker, may I say this, not upon the point of order? I take it that where agreements are made and objection is withheld with an understanding that an amendment is to be presented, that, of course, means that the amendment is to be presented under the rules of the House; and if a Member chooses to exercise his right, believing that the proposed amendment is not in order, he ought not to be precluded from so doing.

Mr. BLACK of Texas. Mr. Speaker, I think the gentleman has stated the case correctly. I recall not long ago on unanimous-consent day the gentleman from New York [Mr. LA GUARDIA] had in mind to offer an amendment, and it was agreed that he could do so; the bill came up and when the amendment was offered it was subject to a point of order, and I made the point of order. I did not think I was precluded from so doing, and I recognize the right of the gentleman from Kansas to make his point of order.

Mr. GARRETT of Tennessee. May I further say that the gentleman from Texas reserved the right to object to the consideration of the bill in the House as in Committee of the Whole?

Mr. LEAVITT. I understand that no other Member of the House loses any right by this—I simply agreed that the amendment will not be opposed by me.

Mr. GARRETT of Tennessee. There is a desire and an opportunity, of course, to keep faith.

Mr. LEAVITT. We have to proceed in the House on the idea that there will be no breaking of faith. I am not criticising the gentleman from Kansas, but I am stating that the chairman of the committee, of which the gentleman from Texas is a member, must not break faith, and that I must therefore ask that the bill be recommitted to the committee.

Mr. BANKHEAD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The Chair is a little disturbed in this matter. He is clear that the ruling was correct in regard to the amendment first offered to the only section providing for the disposition of the funds. The Chair is not sufficiently familiar with the other provisions in the committee amendment to determine whether there is reference to any other disposition to be made of these funds.

Mr. WILLIAMSON. There is not, Mr. Speaker; that is the only reference.

The SPEAKER. Then the Chair is inclined to think that any amendment which changed the manner in which it is provided that this fund shall be disposed of, namely, that it shall be kept in a fund and draw 4 per cent interest, is not in order to provide that it may be used for educational, health, or for the purposes of building houses. The Chair does not see how he can escape the philosophy of that reasoning.

Mr. CRAMTON. Mr. Speaker, if the Chair will permit, under the present law an appropriation would be in order for any of the purposes mentioned in this proposed section. The effect of the proposed new section is to limit what might be done without that section. Appropriations can be made for health purposes, and so forth, anyway, but the effect of the amendment is to legislate against what also could be done without it, an appropriation for per capita payment.

The SPEAKER. The trouble the Chair finds himself in as he reads the bill is that the bill merely creates a method of bringing a suit in the Court of Claims, and the only thing that the bill provides as to how those claims when collected shall be disposed of is that they shall be deposited and draw 4 per cent interest, and nothing in the bill refers to their use for the building of houses.

Mr. CRAMTON. It is the general, rounded-out bill. It not only permits them to go to the Court of Claims but prescribes the rules and then determines what shall be done with the money after the judgment is rendered. It provides that a portion of that judgment shall be paid out in a certain way; that is, it is paid to the attorneys for the expenses of the litigation and for the fees of the attorneys, and it specifically gives to the Court of Claims the discretion to determine what those fees shall be. Then it provides in section 7 that the other part of it that is not paid to the attorneys and for the attorneys' fees, shall remain in the Treasury at 4 per cent interest. Under existing law, remaining in the Treasury at 4 per cent, it is subject to appropriation at any time for certain purposes, including per capita payments. The purpose of the amendment that I have offered is to limit that; and, of course, there is no specific provision in the bill now with reference to that particular feature, but it is germane to the general purposes of the bill.

The SPEAKER. Of course, with regard to attorneys' fees, it would naturally follow in any suit in the Court of Claims that the attorneys' fees should be paid. The only thing that

strikes the Chair is that where this bill provides one and only one method of disposition of the net amount received by the claimant, namely, that it shall be deposited and draw 4 per cent interest, it is a new proposition to use it for the building of houses or for any other purpose, and the Chair can not escape that logic; and, therefore, sustains the point of order.

The question is on the amendment as amended.

Mr. CRAMTON. Mr. Speaker, the bill in its present form is disapproved by the Budget and is disapproved by Members here who were assured that if it came up a certain amendment would be made to it.

Mr. LEAVITT. Mr. Speaker, I was engaged just for a moment. I ask unanimous consent that the bill be recommitted to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be recommitted to the Committee on Indian Affairs. Is there objection?

There was no objection.

CROW TRIBAL FUNDS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15723) authorizing an appropriation of Crow Tribal funds for payment of council and delegate expenses, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from funds to the credit of the Crow Tribe of Indians, the sum of \$5,000, to be available for the payment of the expenses of the tribal council in holding meetings on the Crow Reservation, and for the expenses of delegates which such council may send to the city of Washington on tribal business.

With the following committee amendment:

Line 8, after the word "business" insert: "when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs and under such rules and regulations as may be prescribed by the Secretary of the Interior."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF KLAMATH INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10432) for the relief of the Indians of the Klamath Reservation in Oregon. This bill is on the Union Calendar. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill (H. R. 10432), on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is to relieve the Klamath Indians from certain fees now charged by the Government for supervision of the sale leasing, and so forth, of certain timberlands. These timberlands are very valuable and the Indians are deriving a very large income from them. I can see no reason why in equity we should relieve them of this charge. I would have to object to the request of the gentleman, because I desire an opportunity to discuss the bill at great length in the Committee of the Whole.

Mr. LEAVITT. Will the gentleman withhold that objection for the moment?

Mr. CRAMTON. Certainly.

Mr. LEAVITT. The purpose of the bill is not to relieve these Indians of payments which they should make, but to make unnecessary the return of this fund into the Treasury, with reappropriation necessary, and to hold down the handling of the timber affairs of these Indians to the actual cost. The committee has felt after its being referred to the subcommittee that it should pass. The gentleman from Nevada [Mr. ARENTZ], chairman of that subcommittee, has been called away temporarily and is not here, so the bill could not be gone into in greater detail.

Mr. CRAMTON. I will say very likely a bill along the lines of what the gentleman suggests might not be so objectionable, but this bill simply exempts the Klamath Indian Reservation from the general provisions in reference to such charges.

Mr. LEAVITT. There is an effort being made to see that no charge is made against them greater than the cost of the actual service rendered. The suggestion of the gentleman from Michigan, as I understand, is that another bill be introduced which will aim at that specific thing and not be an amendment to existing law.

Mr. CRAMTON. I am not suggesting the method, but I feel that the bill does not accomplish what the gentleman understands the bill to do. I would like to have more opportunity to study and see if the gentleman is right, and if the gentleman from Montana finds after more consideration I am right he may desire to change the form of the bill.

Mr. BLACK of Texas. The bill as printed refers, I think, to the law which permits the Secretary of the Interior to make a charge for the sale of timber. Now the bill would exempt the Klamath Indian Reservation in Oregon from that provision of law entirely, and it seems to me that would go farther than the gentleman has in mind to do. I do not think the Secretary of the Interior would have the right to make any charge at all under this bill as printed.

Mr. LEAVITT. Of course I will have to state that I am at a great disadvantage in handling this bill on the floor. It was introduced by Mr. SINNOTT, who is now out of Congress, and was referred to a subcommittee headed by Mr. ARENTZ, who is necessarily absent, and I have not been able to give it close study so that I can give all details.

Mr. BLACK of Texas. It has been reported upon adversely by the Director of the Budget and the Secretary of the Interior, and I shall have to object to its consideration; in fact, I will raise the question of consideration if the gentleman insists upon it.

Mr. LEAVITT. I have called it up on the Calendar Wednesday calendar, but, of course, I can not get consideration in the House as in Committee of the Whole without unanimous consent. Since there is a possibility of having this rewritten in such a way that we might get it through on unanimous-consent day, I will ask permission to withdraw the bill from further consideration.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, I would be very glad to ask the gentleman from Montana about the bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.

As I understand, every year's delay in the passage of legislation granting such authority is losing to those Indians \$15,000 or \$20,000 a year.

Mr. LEAVITT. There is no question about that. But the practical situation is that I have been told by one of the California delegation [Mr. SWING] that he intends to enforce a roll call and delay the consideration of the bill; and the gentleman who introduced the bill, the gentleman from Arizona [Mr. DOUGLAS], has agreed that we do not call it up to-night. The merits of the bill are so compelling that we may be able to get a rule to pass the bill. At least, I hope we can.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. I do.

Mr. DOUGLAS of Arizona. I had some conversation with the gentleman from California [Mr. SWING] with respect to this bill, and we decided that if it had come up this afternoon either he or I would have made the point of order of no quorum, which would have carried the day beyond 5.15 or 5.30 o'clock, and that would have compelled a motion to adjourn.

In reference to the other bill which the Committee on Indian Affairs is anxious to be considered by the House, in order that it be not killed to-day I requested the gentleman from California that it be not called up to-day. My advocacy of the bill is no less vehement, however, I will say to the gentleman from Michigan, and I hope that the bill may be brought up by the House in either one of two ways at some later day.

Mr. CRAMTON. Of course, if there are any ramifications of this reaching down to the Boulder Dam, I am not familiar with them, but the loss to these Indians by reason of the delay I do know of. I hope some plan will be worked out by which the Indians may get their rights.

Mr. DOUGLAS of Arizona. This has nothing to do with Boulder Dam.

Mr. SWING. Mr. Speaker, of course, there are Indians on all of the tributaries of the Colorado River and they would all like to have improvements made on their reservations. And so would the white people who will benefit by the improvements; but, while negotiations are going on between the seven Colorado River Basin States, it is proper that no State shall go forward with the development. The States of Arizona, Utah, New Mexico, Nevada, Colorado, Wyoming, and California have agreed to hold it up. In 1924 they all petitioned the Federal Water Power Commission to suspend action in the basin pending a settlement. All seven have agreed that they would leave the development of all the river and its tributaries in statu quo until they had worked out an agreement. They are negotiating at this time. They may reach an agreement

within the next 60 days or 90 days. It seems to me it would be unfortunate to proceed to confer a preferred status as to development in one of the States, particularly the one State that has done more than any other to prevent an agreement being reached.

Mr. LEAVITT. Mr. Speaker, I have not called up the bill. I have been stating that I would not call it up through an agreement which had been reached at the request of the gentleman from Michigan.

If I may proceed under unanimous consent a few minutes, I would like to speak on the position of the committee.

Mr. BANKHEAD. Mr. Speaker, let us get back to the regular order of business. This is a matter not pending before the Chair. It is not the regular order. I hope the gentleman will withdraw his bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, the committee feels in regard to this bill that it was the duty of the committee to report it out, and that it is the duty of the Congress to enact it.

Instead of the situation being as has been stated by the gentleman from California, that on every tributary of the Colorado there is an Indian reservation and a tribe of Indians, this is the only situation that I know of that has come to the attention of the committee in which a loss is occurring to these Indians year after year through the failure to develop one of their resources. On this particular tributary there are two tribes of Indians. The water rights there are entirely absorbed by prior use, but there is a possibility of developing power which would bring, according to the statement of the Assistant Commissioner of Indian Affairs, at least \$15,000 or \$20,000 a year in revenue to these Indians.

Mr. SCHAFER. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. SCHAFER. Who has been pushing this bill before the committee—the Power Trust or the representatives of the Indians?

Mr. LEAVITT. The gentleman from Arizona [Mr. DOUGLAS] particularly has pushed this bill. We are informed by the Indian Office and by one man in the power business that there is a possibility of this development if this legislation is enacted.

Mr. SCHAFER. I will say that the power interests are trying to develop power on the Wolf River in Wisconsin, which will despoil the natural scenic beauty of that river. They have paid propagandists on that reservation who are claiming that the Indians will receive great sums per capita, whereas they would not receive 10 cents per capita.

Mr. LEAVITT. But under the water power act these Indians would receive about \$1 per horsepower developed here, and that would mean, according to the statement of the Assistant Commissioner of Indian Affairs, from \$15,000 to \$20,000 a year. We have felt that because of the failure of some States to agree on something else these Indians ought not to be deprived of that revenue, and I hope the bill can come up later in another form.

The SPEAKER. The time of the gentleman from Montana has expired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DRANE, for two days, on account of important official business.

MINORITY VIEWS

Mr. BACHMANN. Mr. Speaker, as a member of the Committee on the Civil Service, I ask unanimous consent that I may have three legislative days in which to file minority views on H. R. 16643.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that he may have three legislative days in which to file minority views on House bill 16643. Is there objection?

There was no objection.

HYDRAULIC LABORATORY IN THE BUREAU OF STANDARDS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate bill 1710 by incorporating therein a letter addressed to me by the Western Society of Engineers.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the Committee on Rivers and Harbors has resumed hearings on the Senate bill to create a hydraulic laboratory in the Bureau of Standards. The Senate committee hearings and the House committee hearings should be made a single public document and sent to every library, high school, college, and university in the United States. Those hearings contain a wealth of information in regard to

hydraulics that ought to be made available to the engineering profession and to students in our higher educational institutions. Most of that information has never appeared before in print.

The House committee in its endeavor to investigate the proposition from every imaginable slant and angle have been carried into hitherto unknown seas. Explorations have been made that will be of the greatest value to students of hydraulics and add immeasurably to the knowledge of a subject which ranges over such a vast field. No bill in recent years has aroused such intense interest among the members of any profession as the proposed hydraulic laboratory in the Bureau of Standards has created in the membership of the engineering councils, associations, and societies of this country. The American Engineering Council, the membership which is made up of 24 engineering and allied technical professions of the United States, numbering 43,000 engineers, have unqualifiedly indorsed Senate bill 1710. Representatives from that council in conjunction with eminent engineers from many parts of the United States have appeared before the Committee on Rivers and Harbors and have submitted testimony showing the desirability and need for establishing a national hydraulic laboratory under the Bureau of Standards. The council respectfully protest that section 7, of H. R. 14066, authorizing the establishment of a hydraulic laboratory under the direction of the War Department does not satisfy the need for such a laboratory nor the wishes of those interested and concerned. They hold that a national hydraulic research laboratory is needed not only for the purpose of conducting experiments for river and harbor projects but also for the purpose of conducting scientific hydraulic experiments for any citizen who submits a plausible problem and is willing to pay for the work involved in conducting the experiments. They further hold that such a laboratory is needed for the purpose of aiding in the solution of hydraulic problems of such Federal agencies as the Geological Survey, Federal Power Commission, Reclamation Service, and others.

The council maintain that the hydraulic laboratory should be under the direction and control of the Bureau of Standards, because through the years it has developed a scientific attitude and technique for the handling of such problems that may be undertaken in such laboratories; and has on its staff men trained in the several sciences, knowledge of which would be required of the staff of such a laboratory if it is to function with efficiency and effectiveness. They do not desire to take from the Corps of Engineers any authority to conduct whatever researches it may deem necessary in prosecuting its work of flood control. Nor do I wish in any way to dim the glory or blur the prestige of the Army Engineers, whose great services to the Nation reflect magnificently the discipline, courage, loyalty, patriotism, intellectuality, and training imparted and developed by the Military Academy at West Point, which sent them out into the world to overcome obstacles and to conquer the forces of nature in order that civilization might blaze along the way that destiny evidently marked for it. No one has a greater esteem, affection, and loyalty to Annapolis and West Point than myself. Our country could not separate itself from the history of those two great institutions without dimming its own glory. May they last and go out only when the Republic itself expires, which we all hope is in the never to be. If they are jealous of their accomplishments, their privileges, and the trust confined to them, we should be proud of them for that attitude. A man who is careless of his rights can not be expected to protect the rights of others. While those who jealously guard what they deem to be a sacred trust can be depended upon to fight upon land and sea for the maintenance of the Republic from which flow our rights and privileges and to which we all owe the solemn duty of so living our lives that the Nation will be stronger and farther along the road of a mighty civilization on the day we go westward forever than on the day through the miracle of birth we became a part of our country's life.

But I can not blind my eyes to the fact that a national hydraulic laboratory such as is planned by Senate bill 1710 will prove a great auxiliary to the force of Army engineers in solving the as yet unconquered difficulties and problems involved in flood control and related hydraulic subjects. The hydraulic laboratory would not be an antagonistic or hostile body but a friendly agency whose findings would be persuasive and not arbitrarily binding upon the Army engineers. The reports of the Army engineers show that that great body of men have written into the history of our country some of its most brilliant chapters; not flamboyantly but with the steady courage of men whose education at our great Military Academy has fitted them to fight and do noble things in every field to which they may be assigned. But with all the deference that we may show to men whose careers we admire and whose

exploits we proudly acknowledge, we can not but see that there are many new things that may come into the life of the world through the aid and assistance of the civil engineers that will "broaden the vision and make golden the hearthstone where we with loved ones dwell." We can not ignore the fact that the engineering profession as a whole is largely responsible for the civilization which we enjoy, though many of its victims, for it has its victims in accordance with the law of compensation, assert that it will not be an unmixed blessing until its benefits are more wisely distributed so that those who are doomed to play the part of hewers of wood and drawers of water may become in some measure its beneficiaries and enjoy its opulence in a small way with those who by birth and fortune are in control of the great movement.

Mr. Speaker, I repeat, a wealth of information has been brought to light and may be discovered by reading these hearings. We have acquired more information than we originally sought and are perhaps building more wisely than we know. Those who went in search of the Golden Fleece brought back something more valuable than the mythical raiment. They brought back knowledge as a result of their romantic journey. Even the obvious becomes tinted with an appealing color when brought to light into such a trip as the committee has made in search of truth.

Transportation, the foundation of the world order, takes on a new interest when we trace our highways, over which move millions of automobiles, and our railways, that carry such a stupendous commerce, to the path through the wilderness made by animals in quest of water with which to slake their thirst. The Brooklyn Bridge is seen in a new perspective when we see its genesis in the tree trunk thrown across the stream as a dam. The wonder grows as we see the dug and hollowed tree developing by the magical touch of the engineering wand into the leviathan that races through the storm and the night across the broad expanse of the Atlantic or the Pacific. From Franklin's kite and key have evolved the electrical titanic that light and rule the world to-day. The fabulous stories of the Arabian Nights pale into insignificance when contrasted with the actual accomplishments and intellectual triumphs of the great engineers of the world. Let us have the hydraulic laboratory. It will be the scientific university of the United States and will radiate that knowledge and wisdom which will enlighten the world. And God said: "Let there be light, and there was light," should be our inspiration. The future beckons to us to establish this beacon. Build the laboratory; unshackle knowledge; untie the hands of inquiry. Give wisdom winged feet so that the glories of the coming day may be hastened.

The virtue, the wisdom, the necessity of proposed legislation may be seen frequently from the high character of its indorsement. Read the letter which I make a part of this modest, I hope, and feeble, I am sure, effort to impress upon the Congress and our countrymen the importance of this proposed measure, whose far-reaching consequences no man can fathom, as its ramifications may lead to the knowledge as yet locked securely in the undiscovered caverns and bowels of the earth, and carry us to those heights which will give us a clearer view of that celestial splendor which the lighthouses of astronomy of to-day but obscurely and darkly disclose:

WESTERN SOCIETY OF ENGINEERS,
Chicago, February 2, 1929.

HON. JAMES O'CONNOR,
Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: The board of direction of the Western Society of Engineers and for the society indorse Senate bill 1710, known as the Ransdell bill, providing for a national hydraulic laboratory under the Bureau of Standards. We recommend the passage of this bill by the House of Representatives to the end that it become a law. We are advised that your committee has not reported this bill, though it has been under consideration for some time after passing the Senate.

We have given consideration to the terms of the bill and it is our opinion, representing over 3,000 members who are engineers and active in the practice, that such a laboratory is necessary.

We further believe it is essential to place this under the Bureau of Standards. The purpose of this laboratory is to scientifically make a study of hydraulics, and experience has shown that the bureau is so equipped with an experienced and trained staff as to undertake such a study. It is the only arm of the Government wherein selection of such qualified investigators is possible and where the scope is not related to activities which are conflicting both as to purpose and in the appointment of staff members.

We concur in every respect with the recommendations of the American Engineering Council and the many engineers from all over the country who have appeared before your committee or who have indorsed this

bill by written communication. Their arguments are sound and represent the enlightened opinion of the engineering profession.

We do not indorse the provision of section 7, H. R. 14066, which we consider unwise and limiting in its results.

By order of the board of direction, Western Society of Engineers.

EDGAR S. NETHERCUT, Secretary.

TARIFF ON AGRICULTURAL PRODUCTS

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff on agricultural products.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KETCHAM. Mr. Speaker and Members of the House, in connection with the current discussion with reference to the necessity of increased tariff rates upon agricultural products I desire to present a brief statement prepared by Louis J. Taber, master of the National Grange, contrasting the present tariff rates on six basic manufacturing schedules in comparison with six well-known agricultural commodities.

In a general way the average tariff rate in the six manufacturing schedules mentioned is slightly above 40 per cent ad valorem, while the average duty on the six agricultural products is 22.54 per cent. The two tables giving rates under the present tariff act are herewith set out for contrast and comparison.

Especially do I call your attention to the tariff rates that would be placed on the agricultural commodities in order to bring them to the 40 per cent ad valorem basis now provided for manufactured articles, and the attention of the Members of the House of Representatives is called to the necessity of even increasing these rates in the spirit of fair play should substantial increases be granted to the manufacturing schedules now bearing 40 per cent ad valorem rates.

This statement is not to be understood as supporting the proposition that every agricultural rate should be upon a strictly 40 per cent ad valorem basis, but in the interest of fair play the average of tariff rates should be approximately the same.

Per cent ad valorem (or average ad valorem rate of duty to value of dutiable merchandise)

Schedule, 1927:		
Chemicals, oils, and paints	28.48	
Earths, earthenware, and glassware	48.43	
Metals, and manufactures of	34.84	
Silks and silk goods	56.18	
Sundries	39.19	
Cotton manufactures	35.99	
Average duty on above six schedules	40.52	
Average duty on imported agricultural products, excluding free list	22.54	

Commodity	Present tariff	What 40 per cent ad valorem would mean
Butter	12 cents per pound	14 cents per pound.
Corn	15 cents per bushel	35 cents per bushel.
Potatoes	1/4 cent per pound	1 cent per pound.
Sheep	\$2 per head	\$2.96 per head.
Poultry, dead	6 cents per pound	12 1/2 cents per pound.
Oranges	1 cent per pound	2 cents per pound.

PERMISSION TO ADDRESS THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that to-morrow, after the gentleman from Illinois [Mr. HOLADAY] has addressed the House for 30 minutes, I be permitted to follow him for 5 minutes on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow he be permitted to address the House for five minutes immediately following the address of the gentleman from Illinois [Mr. HOLADAY]. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object—on what subject?

Mr. LaGUARDIA. On the same subject upon which the gentleman from Illinois will address the House.

Mr. SCHAFER. What is that subject?

Mr. LaGUARDIA. Corn paper.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I would like the attention of the gentleman from Connecticut for a moment. I believe the bulletin states that the order of business on Friday will be special rules and the Private Calendar.

Mr. TILSON. "And/or," I believe, was the language I used in the bulletin.

Mr. GARRETT of Tennessee. Does that mean that one of the other of those matters and possibly both will be the order of business without reference to the status of the naval appropriation bill?

Mr. TILSON. Oh, no. It should be understood that the naval appropriation bill must go on until it is finished.

Mr. GARRETT of Tennessee. The naval appropriation bill will not be set aside on Friday?

Mr. TILSON. No; that is not the intention. It was understood, when the tentative program was made up, that the naval bill would be finished before that time. If it is not, of course, it should go on to the exclusion of both the other matters mentioned.

Mr. GARRETT of Tennessee. Present indications, I should think, are that the bill will not be finished to-morrow, but, of course, I do not know about that. I have been asked the question several times during the day and in order that there may be an official statement about it in the RECORD now, I have made this inquiry of the gentleman.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. LA GUARDIA. In the event special bills are called up under special rules, would it be possible to be advised some time to-morrow what rules may be called up so that the Members may be informed?

Mr. SNELL. I will say for the benefit of the Members that we expected to call up first, if we got the floor, the migratory bird bill.

Mr. TILSON. But that bill will not be taken up until after the completion of the Navy Department appropriation bill.

Mr. SNELL. That is as I understand it. The other two small matters are not controversial.

BEAL NURSERY AT EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker I ask unanimous consent to take from the Speaker's table the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., with a Senate amendment, disagree to the Senate amendment, and ask a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill (H. R. 10374) with a Senate amendment, disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman from Iowa if his request is made after a conference with the ranking minority member or any member of the minority on the committee?

Mr. HAUGEN. No; I did not have an opportunity to confer with the gentleman about it. It was brought to my attention this afternoon. I doubt that there is any objection to it.

Mr. GARRETT of Tennessee. Of course, I do not know a thing in the world about it. The gentleman understands, of course, that we like to have this assurance about such matters going to conference. Will not the gentleman withdraw his request and let it go over until to-morrow?

Mr. HAUGEN. I will be very glad to do that.

The SPEAKER. The gentleman from Iowa withdraws the request.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 14151. An act to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington;

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; and

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title: H. R. 10774. An act for the relief of the Carlisle Commission Co.

ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, February 7, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 7, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Wool and manufactures of, February 7, 8.

Silk and silk goods, February 11, 12.

Papers and books, February 13, 14.

Sundries, February 15, 18, 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.

Second deficiency appropriation bill.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting the consent of Congress to the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 7725).

Granting the consent of Congress to Stranahan, Harris & Oatis, a corporation organized under the laws of the State of Ohio, and Edward Ball, of the county of Duval, State of Florida, their successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 8287).

Authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del., Clifford R. Powell, of Mount Holly, N. J., and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del. (S. 1857).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

807. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to \$350,000 for the Department of Agriculture, fiscal year 1930 (H. Doc. No. 560); to the Committee on Appropriations and ordered to be printed.

808. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1928 and prior years amounting to \$4,705.85, and supplemental estimates of appropriations for the fiscal year 1929 amounting to \$1,648,102; in all, \$1,652,807.85; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 561); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10171. A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.; without amendment (Rept. No. 2389). Referred to the Committee of the Whole House on the state of the Union.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 16027. A bill to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes," approved July 3, 1926; without amendment (Rept. No. 2390). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 16643. A bill to amend and supplement an act entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' approved May 28, 1928, and for other purposes"; with amendment (Rept. No. 2391). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 16819. A bill to amend the World War Veterans' act, 1924; without amendment (Rept. No. 2392). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 1781. An act to establish load lines for American vessels, and for other purposes; with amendment (Rept. No. 2395). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. R. 15430. A bill continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; with amendment (Rept. No. 2396). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 16850. A bill to provide for the deportation of certain aliens, and for the punishment of the unlawful entry of certain aliens; without amendment (Rept. No. 2397). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. R. 2424. A bill for the relief of James Moffitt; with amendment (Rept. No. 2386). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11149. A bill for the relief of Albert D. Castleberry; without amendment (Rept. No. 2387). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 14579. A bill for the relief of Walter Malone; with amendment (Rept. No. 2388). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 5090. An act for the relief of Lewis H. Easterly; without amendment (Rept. No. 2394). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15641. A bill to correct the military record of Vernon S. Ross; with amendment (Rept. No. 2398). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. S. 2720. An act for the relief of David McD. Shearer; adverse (Rept. No. 2393). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WELSH of Pennsylvania: A bill (H. R. 16918) relative to establishment for the practice of cosmetology and its regulations and to create a board of cosmetologists in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 16919) to amend an act entitled "An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes"; to the Committee on Indian Affairs.

By Mr. KINCHELOE: A bill (H. R. 16920) granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 16921) granting additional relief for desert land entrymen in Riverside County, Calif.; to the Committee on the Public Lands.

Also, a bill (H. R. 16922) amending act of March 4, 1915, providing relief for desert land entrymen; to the Committee on the Public Lands.

By Mr. WATSON: A bill (H. R. 16923) to provide for the erection of a public building for customs and other governmental purposes in the city of Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 16924) providing for an appropriation toward completion of the construction of the new Eastern Dispensary and Casualty Hospital; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 16925) to add certain lands to the Fremont National Forest, in the State of Oregon; to the Committee on the Public Lands.

By Mr. FREE: A bill (H. R. 16926) granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science; to the Committee on Immigration and Naturalization.

By Mr. BOX: A bill (H. R. 16927) to clarify the law relating to the temporary admission of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. SEARS of Nebraska: A bill (H. R. 16928) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, either independently or both jointly, to purchase, to condemn, or to construct, and to reconstruct, extend, enlarge, maintain, and operate one or more toll or free bridges, not exceeding three, across the Missouri River at or near said cities, or to assign such rights to others, and providing the conditions to the exercise of such powers; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 16929) to amend the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. McFADDEN: A bill (H. R. 16930) to amend the national bank act; to the Committee on Banking and Currency.

Also, a bill (H. R. 16931) to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; to the Committee on Banking and Currency.

By Mr. ELLIOTT: Joint resolution (H. J. Res. 405) to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 406) to authorize the merger of street-railroad corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McCLINTIC: Joint resolution (H. J. Res. 407) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of *Oklahoma v. Texas* (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ARENTZ: Memorial of the State of Nevada, relative to holding sessions of the Federal court at Reno, Nev., and

urging the defeat of any measure designed to remove the Federal court from the capital, Carson City; to the Committee on the Judiciary.

Also, memorial of the State of Nevada memorializing President-elect Hoover to give his best consideration to the proposal of the appointment of Louis S. Cates, of Utah, as Secretary of the Interior; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ROWBOTTOM: Concurrent resolution of the General Assembly of the State of Indiana, indorsing and urging the passage of the cruiser bill now pending in Congress; to the Committee on Naval Affairs.

Also, concurrent resolution of the General Assembly of the State of Indiana, requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16932) granting a pension to Ann Million; to the Committee on Invalid Pensions.

By Mr. ANDREW: A bill (H. R. 16933) granting a pension to William G. Harriman; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 16934) granting an increase of pension to Amanda Eppey; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16935) granting a pension to Sarah J. Cline; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16936) for the relief of Joseph A. McEvoy; to the Committee on Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 16937) granting a pension to John E. W. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16938) granting a pension to Alex Rice; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16939) granting an increase of pension to Lizzie McAuliffe; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 16940) granting a pension to Carrie K. Wollerton; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 16941) granting an increase of pension to Catherine Zachman; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16942) granting an increase of pension to Carrie F. T. Hovey; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 16943) for the relief of Joseph A. O'Donnell; to the Committee on Military Affairs.

By Mr. McSWEENEY: A bill (H. R. 16944) granting a pension to Mary D. Biery; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 16945) granting a pension to Mary Jane Woofery; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16946) granting a pension to Fred E. Craine; to the Committee on Invalid Pensions.

By Mr. SIROVICH: A bill (H. R. 16947) for the relief of Joseph N. McCaughey; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 16948) granting an increase of pension to May F. Wright; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 16949) granting a pension to William F. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 16950) granting a pension to Mary J. Turner; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16951) granting a pension to Mark Davis; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 16952) granting an increase of pension to Aileen Oakley Griffith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8651. By Mr. ADKINS: Petition of veterans of the Spanish-American War, Philippine insurrection, and Chinese relief expedition, respectfully soliciting support of the Knutson pension bill (H. R. 14676) now pending before Congress; to the Committee on Pensions.

8652. By Mr. ARENTZ: Resolution of Humboldt (Nev.) County Farm Bureau, opposing any downward revision of the

tariff on fresh meats and other livestock products, inasmuch as such a change would cause the livestock industry to drop back into conditions such as existed in the period following the World War; to the Committee on Ways and Means.

8653. By Mr. BARBOUR: Petition of the Presbyterian Synod of the State of California, in session, with a membership of 87,280, approved the passage of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

8654. By Mr. BLAND: Petition of the members of the Christian Church, Phoebus, Va., in support of the Lankford bill (H. R. 78) for Sunday observance, or similar measure; to the Committee on the District of Columbia.

8655. By Mr. DOUGHTON: Petition of the Bethany and Fifth Creek Presbyterian Churches, with 1,000 present, Statesville, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8656. Also, petition of the Synod of Catawba of the Presbyterian Church, United States of America, and representing 25,062 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8657. Also, petition of the Young Men's Christian Association of Concord, N. C., with a membership of 500, and signed by the president, F. C. Niblock, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8658. By Mr. ENGLEBRIGHT: Petition of California Development Association, through its general manager, N. H. Sloan, for research work on poultry problems; to the Committee on Agriculture.

8659. Also, petition of California Development Association, through its general manager, N. H. Sloan, for research work on lima pod borer and wireworm and other insects which affect the bean plant; to the Committee on Agriculture.

8660. By Mr. FITZPATRICK: Petition of the National Association of Letter Carriers, Branch No. 387, Yonkers, N. Y., for the passage of the Dale-Lehlbach retirement bill during this session of Congress; to the Committee on the Civil Service.

8661. By Mr. KETCHAM: Petition of 55 members of the Plainwell Methodist Episcopal Church, of Plainwell, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8662. Also, petition of 15 members of the First Baptist Church, of Colon, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8663. Also, petition of 49 members of the West Mendon and Central Park Evangelical Churches, representing citizens of Mendon and Park Townships, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8664. Also, petition of 49 members of the Evangelical Church of Leighton Township, Allegan County, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8665. Also, petition of 32 members of the Presbyterian Church of Decatur, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8666. Also, petition of 22 members of the Evangelical Church located at North Maple Grove, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8667. Also, petition of 38 members of the Methodist Church of Colon, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday

as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8668. By Mr. LANKFORD: Petition of 113 members of the First Presbyterian Church, Cornell, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8669. Also, petition of 20 members of the Presbyterian Church of Huron, Wis., urging the enactment of legislation to protect the people in the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8670. Also, petition of 45 members of the First Methodist Church, Cornell, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8671. By Mr. LEECH: Petition of 850 citizens of Johnstown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8672. Also, petition of the Cambria County Woman's Christian Temperance Union, representing a membership of 1,000, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8673. Also, petition of 65 citizens of Beaverdale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8674. Also, petition of 955 signers, members of the Woman's Christian Temperance Union of Cambria County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8675. By Mr. McCORMACK: Petition of Mary D. Knowles, 569 Dudley Street, Dorchester, Mass., protesting against Newton child welfare bill; also equal rights amendment; to the Committee on Interstate and Foreign Commerce.

8676. By Mr. McDUFFIE: Petition of sundry retail shoe dealers of Mobile, Ala., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8677. By Mr. McSWEENEY: Papers to accompany House bill 16804, granting a pension to Mary L. Sumney; to the Committee on Invalid Pensions.

8678. By Mr. MOREHEAD: Petition signed by 117 citizens of the first district of Nebraska, urging the defeat of House bills 15324, 15325, and 15427, providing for an appropriation of \$7,500 for the expenses of a Confederate reunion and sending the United States Marine Band to this reunion; to the Committee on Military Affairs.

8679. By Mr. MORIN: Petition of post-office motor-vehicle employees of Pittsburgh, Pa., urging immediate action on Senate bill 1727, giving optional retirement after 30 years' service when the age of 63 is attained, with annuities increased to \$1,200 per year; to the Committee on the Civil Service.

8680. By Mr. MORROW: Petition of Chaves County (N. Mex.) Farm and Livestock Bureau, in annual meeting, opposing passage of Box immigration bill; to the Committee on Immigration and Naturalization.

8681. By Mr. O'CONNELL: Petition of the Washburn-Crosby Co., New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8682. Also, petition of the Neptune Line, New York City, opposing the passage of Senate bill 1781; to the Committee on the Merchant Marine and Fisheries.

8683. Also, petition of the Anchor Cap & Closure Corporation, Long Island City, N. Y., favoring the passage of House bill 12693; to the Committee on Agriculture.

8684. Also, petition of the Dana Natural History Society, of Albany, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8685. By Mr. SMITH: Petition of the Woman's Christian Temperance Union, Gooding, Idaho, with a membership of 40, in behalf of the Lankford Sunday rest bill for the District of Columbia, or similar measures; also 109 citizens of the second

district, in behalf of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

8686. By Mr. WOODRUFF: Petition of 25 members of the Methodist Church of Harrisville Avenue, Lincoln, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8687. By Mr. WYANT: Petition of Percy Taylor, Jeannette, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8688. Also, petition of Stein's Shoe Store, New Kensington, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8689. Also, petition of citizens of Sutersville, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8690. Also, petition of citizens of Sutersville, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8691. Also, petition of Phil A. Taylor, Jeannette, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

SENATE

THURSDAY, February 7, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Lord our God, who keepest covenant and showest mercy unto Thy servants who walk before Thee with all their hearts, how often have we heard Thy voice in youth and in age, in sickness and in health, in joy and in sorrow, at morning and at evening, and hearing, failed to answer. Do Thou, therefore, come to us in the life which now entangles, meet us in the daily paths our busy feet must tread, and make a highway through the avenues of sense, clothing our mortal flesh with radiance and power.

Help us to yield ourselves so utterly to Thee before the world with its enthralling cares that we may abhor all lesser standards of the right which threaten to enslave and drive us from the high demands of public service to seek some quiet cloister of the soul. Redeem our failures, pardon our transgressions, make every circumstance a throne, and crown us with Thy never-ending peace. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The message also announced that the House had passed the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;